

**AGENDA**  
**RIO DELL PLANNING COMMISSION**  
**REGULAR MEETING - 6:30 P.M.**  
**WEDNESDAY, SEPTEMBER 26, 2012**  
**CITY COUNCIL CHAMBERS**  
**675 WILDWOOD AVENUE, RIO DELL**

*WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue and on the City's website at [riodellcity.com](http://riodellcity.com). Your City government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.*

**THE TYPE OF COMMISSION BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS.**

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL

E. CONSENT CALENDAR

- 1) 2012/0926.01 - Approve Minutes of the July 25, 2012 Regular Meeting  
**(ACTION)**
- 2) 2012/0926.02 - Receive Resignation from Commissioner Gonzales Effective  
September 13, 2012 **(RECEIVE & FILE)**

F. PUBLIC PRESENTATIONS

*This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. Items requiring Commission action not listed on this agenda may be placed on the next regular agenda for consideration if the Commission directs, unless a finding is made by at least 2/3rds of the Commission that the item came up after the agenda was posted and is of an urgency nature requiring immediate action.*

G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

- 1) 2012/0926.03- Conduct Public Hearing/ Approve Resolution No. PC 056-2012  
Recommending that the City Council Repeal the City's Existing  
Parking Regulations and Establish new Parking Regulations under  
Section 17.30.180 of the Rio Dell Municipal Code (RDMC)  
**(ACTION)**
- 2) 2012/0926.04 - Conduct Public Hearing/ Approve Resolution No. PC 057-2012  
Recommending that the City Council Amend the Town  
Center/Urban Residential General Plan and Zoning Map  
Designations, Amending the Rio Dell Land Use Designation  
Acreage Distribution Table, Amend the Town Center Description,  
The Town Center Permitted Uses and Land Use Policies of the  
General Plan to Reflect Proposed Changes **(ACTION)**
- 3) 2012/0926.05 - Conduct Public Hearing/ Approve Resolution No. PC 058-2012  
Approving Proposed Variance for Rad Keller at 202 Columbus St.  
(APN 053-152-012) **(ACTION)**

#### H. REPORTS/STAFF COMMUNICATIONS

#### I. ADJOURNMENT

*The next Regular Planning Commission meeting is scheduled for  
October 24, 2012 at 6:30 p.m. in the City Council Chambers*

**CITY OF RIO DELL  
PLANNING COMMISSION  
REGULAR MEETING  
JULY 25, 2012**

**CALL TO ORDER**

The Regular meeting of the Rio Dell Planning Commission was called to order at 6:30 p.m. by Planning Commissioner Gonzales.

Present were Commissioners Gonzales, Angeloff, Chapman, Johnson and Millington.

Others present were Community Development Director Caldwell, and City Clerk Dunham.

**CONSENT CALENDAR**

Approve Minutes of the May 30, 2012 Regular Meeting

Motion was made by Johnson/Angeloff to approve the consent calendar including the approval of minutes of the May 30, 2012 regular meeting. Motion carried 5-0.

**PUBLIC PRESENTATIONS**

None

**SCHEDULED MATTERS/PUBLIC HEARINGS**

Approve Resolution No. PC 052-2012 Approving Minor Subdivision for Kyle Teasley at 364 Center St. (APN 052-301-012) Subject to the Recommended Conditions of Approval (Case No. PMS 12-01)

Community Development Director Caldwell provided a staff report and stated that the applicant is proposing a minor subdivision of a 24,750 square foot parcel into two parcels of about 12,040 and 12,710 square feet respectively. He said both of the proposed parcels are developed with single family homes. The applicant will be required to construct curb, gutter, sidewalk and paving along the frontage of the property as well as relocating the existing storage sheds to meet setback requirements.

Commissioner Chapman asked if there is a minimum sidewalk width requirement and said it seems odd to require sidewalk when there are no other existing sidewalks on the street; Community Development Director Caldwell said the standard sidewalk width is 5 feet (4 ½ feet of sidewalk and 6 inches of curb). He said the only tool the City has to require sidewalks in developed areas is through discretionary projects such as this, stating the improvements have to start somewhere.

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JULY 25, 2012 MINUTES  
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Commissioner Johnson asked if the parcel was surveyed and monumented; Community Development Director Caldwell said a survey was done and noted that the improvements will need to be done prior to recordation of the parcel map.

Commissioner Gonzales noted the drainage easement and asked if there was a storm drain on the parcel; Community Director Caldwell said he understood there was an existing storm drain in place but noted that no comments or concerns were raised by Water Superintendent Jensen.

A public hearing was opened at 6:44 p.m. to receive public comment on the proposed minor subdivision. There being no public comment, the public hearing closed.

Motion was made by Millington/Angeloff to make all the required findings, based on evidence in the staff report and approve Resolution No. PC 052-2012 recommending approval of the Teasley Subdivision subject to the recommended Conditions of Approval. Motion carried 5-0.

Approve Resolution No. PC 053-2012 Approving Lot Line Adjustment for Dean Smither at 541 Wildwood Ave. (APN 053-114-002) Case No. LLA 12-01

Community Development Director Caldwell provided a staff report and said what the applicant is proposing is to do a lot line adjustment between two parcels at 541 Wildwood Ave. for the purpose of having the existing commercial building on its own parcel. He said the existing parcels are each 5,000 square feet and with the proposed lot line adjustment; one parcel will be 6,860 and the other 3,140 square feet which meets the minimum lot size requirements of the Town Center Zone. He said the only issue is that the Building Inspector has indicated that a firewall will have to be constructed on the west side of the existing building.

Commissioner Gonzales asked Mr. Smither if he had a usable plan for the parcels; Mr. Smither pointed out that the spectacular view makes it somewhat of a hidden treasure and in attempt to recover expenses he would be proposing residential construction on the parcel facing Elm St.

Community Development Director Caldwell referred to some narrow houses that were built on Cod St. in Fields Landing and said he likes the idea of encouraging housing opportunities although the undeveloped parcel could also be used for commercial development, or mixed use development.

Commissioner Gonzales said it is always nice to see blighted properties cleaned up.

Commissioner Chapman referred to 2(b.) of the Conditions of Approval and asked for an explanation of a "Lot Book Guarantee." Community Development Director Caldwell

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**JULY 25, 2012 MINUTES**  
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explained the Lot Book Guarantee or Preliminary Title Report show if there are liens on the property and insures that the applicant is the vested owner at the time of recordation of the lot line adjustment.

Commissioner Chapman asked if it is common practice to require that the lot line adjustment be completed and recorded within 36 months of approval; Community Development Director Caldwell explained that requirement is dictated by provisions of the Subdivision Map Act.

Commissioner Gonzales questioned the slope on Parcel 2; Mr. Smither stated he was envisioning constructing a daylight basement on the east side.

A public hearing was opened at 6:56 p.m. to receive public comment on the proposed lot line adjustment. There being no public comment, the public hearing closed.

Motion was made by Millington/Angeloff to approve Resolution No. PC 053-2012 approving the proposed Smither Lot Line Adjustment as conditioned. Motion carried 5-0.

Approve Resolution No. PC 054-2012 Approving Lot Line Adjustment for Walter Close at 1328 Eeloa Ave. (APN 052-102-002 & 006) Case No. LLA 12-02

Community Development Director Caldwell provided a staff report and said the purpose of the lot line adjustment is to site the existing commercial (CC Market) building on its own parcel. He said the proposed lot line adjustment will result in two parcels of approximately 12,730 and 26,190 square feet respectively. He further explained that the applicant will be required to relocate a portion of the existing fence between the store and the residence to coincide with the new property line.

Community Development Director Caldwell commented that one call was received from a neighboring property owner, Mr. Lende and when he explained the proposed project to him, he said he had no problem with the lot line adjustment as proposed.

A public hearing was opened at 7:01 p.m. to receive public comment on the proposed lot line adjustment. There being no public comment, the public hearing closed.

Community Development Director Caldwell asked Mr. Close if he was proposing to grant an easement to the back of the property, although it was optional. Mr. Close stated it wasn't really necessary.

Motion was made by Commissioners Angeloff/Chapman to approve Resolution No. PC 054-2012 approving the Close Lot Line Adjustment as conditioned. Motion carried 5-0.

**REPORTS/STAFF COMMUNICATIONS**

Community Development Director Caldwell reported on upcoming agenda items and stated he reviewed the Circulation Element in regard to one-way streets and would be bringing it forward on the next agenda, along with Parking Regulations and update on the proposed improvements to Kreation's.

Community Development Director Caldwell also reported that the Albin General Plan Amendment/Zoning Reclassification was scheduled to be heard before the City Council on July 17<sup>th</sup> and the applicant's agent requested another continuance to August 21, 2012 so that the applicant can be present. He said staff will be recommending to the City Council denial of the zone reclassification stating that there is currently only 4% of the City's land base designated as commercial.

**ADJOURNMENT**

The meeting adjourned at 7:10 p.m. to the August 22, 2012 regular meeting.

Attest:

\_\_\_\_\_  
Dave Gonzales, Chair

\_\_\_\_\_  
Karen Dunham, City Clerk

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*675 Wildwood Avenue  
Rio Dell, CA 95562*



TO: Planning Commissioners

THROUGH: Jim Stretch, City Manager

FROM: Karen Dunham, City Clerk

DATE: September 21, 2012

SUBJECT: Resignation/Vacancy on Rio Dell Planning Commission

**RECOMMENDATION**

Receive Commissioner Dave Gonzales's resignation

**BUDGETARY IMPACT**

None

**BACKGROUND AND DISCUSSION**

Commissioner Dave Gonzales resigned his seat on the Commission effective September 13, 2012. The City Council will be accepting his resignation at their meeting on October 2, 2012. Once that occurs, I will post the notice declaring the vacancy and solicit for persons interested in serving on the Commission for the remainder of the term ending December 31, 2012.

## Karen Dunham

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**From:** Dave Gonzales <dgonzales@shn-engr.com>  
**Sent:** Tuesday, September 11, 2012 12:34 PM  
**To:** 'Karen Dunham'  
**Subject:** Planning Commission



Hi Karen,

It is looking like everything is going to work out with the purchase and sale of houses for us. We are not sure when everything will be closing but it should happen at some point this month. Based on this information I need to request that I be removed from my position on the Rio Dell Planning Commission. I am very grateful for the opportunity to both live in and serve such a great community. I'd also like to say that I have truly enjoyed serving with such a great group of staff and volunteers. I think that because the city staff and officials are so committed to the community we will continue to see positive growth for this great town.

I look forward to the chance to continue working with the City and wish all the best for the small town on Eagle Prairie.

Dave Gonzales  
Laboratory Manager  
SHN Consulting Engineers & Geologists, Inc.  
812 West Wabash Avenue  
Eureka, CA 95501-2138  
ph. 707-441-8855  
fx. 707-441-8877



675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



For Meeting of: September 26, 2012

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: September 10, 2012

Subject: Parking Regulations

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#### **Recommendation:**

That the Planning Commission:

1. Receive staff's report regarding repealing the City's existing Parking Regulations and adopting new Parking Regulations;
2. Open the public hearing, receive public input and deliberate;
3. Adopt Resolution No. PC 056-2012 recommending that the City Council repeal the City's existing Parking Regulations establish new Parking Regulations, Section 17.30.180 of the Rio Dell Municipal Code (RDMC).

#### **Background**

Last fall the City Manager directed that we arrange a Joint Study Session with the City Council and the Planning Commission to discuss possible changes to the City's Parking regulations. The existing parking regulations (**Attachment 1**) were adopted in 1968 and are clearly outdated and could be considered inadequate for some use types.

A prime example of the City's parking deficiencies can be seen on a number of residential streets throughout the City. These streets are overcrowded with on-street parked vehicles. Current single family and multifamily regulations require only one (1) parking space per dwelling, regardless of the number of bedrooms or the availability of on-street parking. In addition, there are a number of use types that are not identified and the multifamily parking regulations do not require any guest parking facilities.

A number of issues were discussed at the Study Session in September of last year, including:

- Private recreation requirements (including arcades, bowling facilities, health clubs, etc.)
- Bicycle parking facilities
- Motorcycle parking facilities
- Compact space provisions
- Handicap space provisions
- Angled parking stall provisions
- Lighting provisions
- Landscaping provisions
- Exception Provisions
- Pervious surface provisions for larger projects
- Loading space requirements based on use types
- No parking requirements for existing structures located south of Davis Street and within one-half block of Wildwood Avenue.

Staff has addressed all of the above issues in the attached Draft Ordinance, Attachment 2.

**Zone Reclassification Required Finding:**

**1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.**

Section 65860(a) of the Government Code requires that zoning ordinances and amendments be consistent with the General Plan and any applicable specific plan. The General Plan contains policies which call for the orderly development of the City. Goal G2.2-12 calls for a safe and balanced transportation system that recognizes the needs of pedestrians, transit riders, bicyclists and vehicles. Adequate parking facilities, including facilities for bicycles, motorcycles and the physically handicapped contribute to the planned, orderly development of the City.

There are no known General Policies or Goals that would discourage updating the City's Parking Regulations. Therefore, the proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.

**2. The proposed amendment will not have an adverse impact on the public health, safety and welfare and has been processed in accordance with the California Environmental Quality Act (CEQA).**

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed amendment, staff believes there is no evidence to suggest that the amendment will have a significant effect on the environment.

**Financial Impact**

The City is responsible for the costs associated with the proposed amendment. The cost is insignificant and will not result in additional budget expenditures or revisions.

**Alternatives**

The Planning Commission may choose not to recommend approval of the Draft Parking Ordinance. Staff does not recommend this alternative. The Commission certainly has the authority to recommend changes to the Draft Parking Ordinance.

**Attachments:**

1. Existing Parking Regulations.
2. Resolution No. PC 056-2012 recommending that the City Council approve and adopt the recommended Parking Ordinance, Section 17.30.180 of the Rio Dell Municipal Code
3. Draft Ordinance No. 295-2012 repealing the existing Parking Regulations and establishing new Parking Regulations, Section 17.30.180 of the Rio Dell Municipal Code.

**17.30.180 Parking and loading facilities.**

Off-street parking and loading spaces shall be provided in all zones in conformity with the following:

(1) Each parking space shall be constructed using asphalt, concrete, or other suitable all-weather surface, as approved by the Public Works Director, and not less than eight feet wide, 18 feet long and seven feet high, and each loading space shall be not less than 10 feet wide, 25 feet long and 14 feet high.

(2) Parking spaces shall be provided as follows:

(a) Dwellings, one for each dwelling unit.

(b) Motels, one for each guest room.

(c) Hotels, one for each two guest rooms.

(d) Hospitals, one for each bed and one additional for each three staff members.

(e) Offices and retail establishments, one for each 300 square feet of floor area, with a minimum of four for each office building. Medical and dental offices shall provide one additional space for each staff member.

(f) Restaurants and licensed premises, one for each four seats or one for each 200 square feet of floor space, whichever yields the greatest number of spaces required.

(g) Wholesale, industrial and public utility buildings, one for each three employees, taking the largest number of employees on duty at any one time.

(h) Public assembly, including churches and theaters, one for each six seats, or one space for each 45 square feet of floor area without fixed seats.

(i) The provisions of this subsection do not apply to existing structures located south of Davis Street and within one-half block of Wildwood Avenue.

(3) Parking Spaces for Uses Not Specified. The parking space requirements for uses not set forth in this section shall be fixed by the City Manager and be based upon available studies and standards for the most comparable use.

(4) Loading Spaces. Every commercial use occupying more than 5,000 square feet of floor area in any building shall provide one loading space and one additional loading space for every 20,000 square feet of floor area in excess of 5,000 square feet.

(5) No building shall be constructed closer to any traveled way than will provide adequate space for the traffic movement and the standing of vehicles which may be incidental to the use of the building. [Ord. 252 § 6.13, 2004.]

**RESOLUTION NO. PC 056-2012**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL  
RECOMMENDING APPROVAL OF THE PARKING ORDINANCE:**

**WHEREAS** the General Plan contains policies that encourage planned, orderly development; and

**WHEREAS** the proposed Parking Regulations promote orderly and harmonious growth within the City; and

**WHEREAS** the proposed Parking Regulations address a number of issues, including handicapped, motorcycle and bicycle parking, landscaping, stormwater runoff, lighting, driveway locations, angled parking and exception provisions; and

**WHEREAS** the proposed Parking Regulations also include additional use types, not currently identified in the existing parking regulations; and

**WHEREAS** the City has reviewed and processed the proposed Parking Regulations in conformance with Sections 65350 – 65362 of the California Government Code; and

**WHEREAS** the City has reviewed and processed the proposed Parking Regulations in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the proposed Parking Regulations are deemed to be in the public interest; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the proposed Parking Regulations are consistent and compatible with a comprehensive view of the General Plan and any implementation programs that may be affected; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed Parking Regulations has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

**WHEREAS** the proposed Parking Regulations has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

**WHEREAS** the City has determined that the proposed Parking Regulations is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

**NOW, THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Rio Dell recommends:

1. That the proposed Parking Regulations are in the public interest and consistent with an overall comprehensive view of the General Plan; and
2. That based on evidence on file and presented in the staff report that the potential impacts of the proposed Parking Regulations have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and
3. That based on the nature of the project, the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment.
4. Repealing the existing Parking Regulations; and
5. Approving the proposed Parking Regulations.

**PASSED AND ADOPTED** by the Planning Commission of the City of Rio Dell at their meeting of September 26, 2012 by the following vote:

AYES:	Commissioners:
NOES:	Commissioners:
ABSENT:	Commissioners:
ABSTAIN:	Commissioners:

\_\_\_\_\_  
Dave Gonzales, Chair

ATTEST:

\_\_\_\_\_  
Karen Dunham, City Clerk

**ORDINANCE NO. 295 - 2012**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL  
REPEALING THE EXISTING PARKING REGULATIONS AND ESTABLISHING NEW DESIGN  
PARKING REGULATIONS, SECTION 17.30.180 OF THE RIO DELL MUNICIPAL CODE:**

**THE CITY COUNCIL OF THE CITY OF RIO DELL DOES ORDAIN AS FOLLOWS:**

**WHEREAS** the General Plan contains policies that encourage planned, orderly development;  
and

**WHEREAS** the proposed Parking Regulations promote orderly and harmonious growth within  
the City; and

**WHEREAS** the proposed Parking Regulations address a number of issues, including  
handicapped, motorcycle and bicycle parking, landscaping, stormwater runoff, lighting, driveway  
locations, angled parking and exception provisions; and

**WHEREAS** the proposed Parking Regulations also include additional use types, not currently  
identified in the existing parking regulations; and

**WHEREAS** the City has reviewed and processed the proposed Parking Regulations in  
conformance with Sections 65350 – 65362 of the California Government Code; and

**WHEREAS** the City has reviewed and processed the proposed Parking Regulations in  
conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that  
the proposed Parking Regulations are deemed to be in the public interest; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that  
the proposed Parking Regulations are consistent and compatible with a comprehensive view of  
the General Plan and any implementation programs that may be affected; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that  
the potential impacts of the proposed Parking Regulations has been assessed and have been  
determined not to be detrimental to the public health, safety, or welfare; and

**WHEREAS** the proposed Parking Regulations has been processed in accordance with the  
applicable provisions of the California Government Code and the California Environmental  
Quality Act (CEQA); and

**WHEREAS** the City has determined that the proposed Parking Regulations is Statutorily  
Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the  
California Code of Regulations.

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Rio Dell:

1. Finds that the proposed Parking Regulations are in the public interest and consistent with an overall comprehensive view of the General Plan; and
2. Finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed Parking Regulations have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and
3. Finds that based on the nature of the project, the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment.
4. Repeals the existing Parking Regulations; and
5. Approves the proposed Parking Regulations.

**BE IT FURTHER RESOLVED**, that the City Council of the City of Rio Dell does hereby ordain as follows:

**Section 1.**

Section 17.30.180 is hereby amended as follows:

**Section 2.**

**17.30.180 Parking Regulations**

**(1) Purpose and Intent.**

(a) Purpose. The general purpose of these requirements is to enhance public safety by minimizing traffic congestion, by providing for off-street motor vehicle parking and thereby permitting safe passage of passengers to and from their destinations.

(b) Intent. The intent of these off-street parking requirements is to provide for the on-site, off-street parking of motor vehicles associated with any use or uses on the premises. More off-street parking will allow on-street parking to be limited or prohibited to permit greater utilization of streets for moving traffic. The facilities required by these requirements represent the minimum that will be required by the various land use types. It shall be the responsibility of the developer, owner or operator of any specific use to provide adequate off-street parking even though such parking is in excess of the minimum requirements set forth in these requirements.

**(2) General Parking Regulations**

(a) Parking and Loading Spaces to be Permanent: Each parking and loading space shall be permanently available, marked, and maintained for parking or loading purposes. Areas not reviewed and approved for use as parking or loading shall not be used for such purposes.



(b) **Parking and Loading to be Unrestricted:** A lessee, owner, tenant, or other person having control of the operation of premises for which parking or loading spaces are required by this Chapter shall not prevent, prohibit, or restrict authorized persons from using the spaces without the prior approval of the Community Development Director.

(c) **Vehicles for Sale:** Vehicles, trailers, or other personal property shall not be parked on private property for the purpose of displaying the vehicles, trailers, or other personal property for hire, rental, or sale, unless the property is appropriately zoned, approved by the City for that use, and the person or business at that location is licensed to sell vehicles, trailers, or other personal property. However, one vehicle or trailer owned by the lessee, owner, or renter of the property may be displayed for the purpose of sale for a maximum of 30 days. This shall not be construed to allow the continued sale of vehicles.

(d) **Recreational Vehicle Parking:** The storage (parking for any period longer than 72 hours) of a recreational vehicle and/or boat in a residential zoning district shall be allowed only when all portions of the vehicle or boat are located entirely within the property boundaries and do not extend into the public right-of-way, including public utility easements and sidewalks.

### **(3) Location of Off-Street Parking**

(a) Required parking facilities shall be located on the same building site and conveniently close to the use or uses they serve, and shall be designed, located, constructed and maintained so as to be fully and independently usable and accessible at all times. The required parking facilities for multi-family, commercial and industrial uses shall not be located within the required setbacks of the zone where the property is located. Lawns, yards and other landscaped areas shall not be used as parking areas.

### **(4) Location Exception**

(i) Exceptions to the location requirement for parking facilities for commercial uses may be allowed with a Conditional Use Permit if it is found that:

(ii) A substitute parking area is to be provided and remain available for as long as the use to which the required parking pertains shall continue; and

(iii) The substitute parking area is within an area designated in the General Plan for commercial or other business use and within which parking is a permitted and compatible use; and

(iv) All or part of the substitute location is within four hundred feet (400') of the principal use for which the parking is being provided, measured in walking distance along the way open to public pedestrian passage; and

(v) The substitute parking area is owned by the owner of the property on which the use for which the parking is being provided or is owned by a public entity empowered to provide public parking facilities; or

### **(5) Amount Exception**

(a) Exceptions to the requirements for the number of off-street parking spaces may be allowed with a Conditional Use Permit provided evidence is submitted in support of the exception. Exceptions may be granted by the hearing officer based upon the following factors:

- (i) Geographic location of site;
- (ii) Levels of anticipated use.
- (iii) Site specific topographic constraints;
- (iv) Historically designated structures;
- (v) Proximity to urban built-up areas; and

## **(6) Parking and Aisle Dimensions**

(a) Each parking space and drive aisle shall comply with the minimum dimension required below:

**Minimum Off-Street Parking Dimensions**

Parking Angle	Standard Spaces		Compact Spaces		Minimum Aisle Width (maneuvering areas)	
	Minimum Width	Minimum Length	Minimum Width	Minimum Length	One-Way	Two-Way
Parallel	8.5 ft	23 ft	7 ft	18 ft	12 ft	20 ft
30 Degrees	8.5 ft	17 ft	7.5 ft	17 ft	11 ft	20 ft
45 Degrees	8.5 ft	19.5 ft	7.5 ft	16 ft	13.5 ft	20 ft
60 Degrees	8.5 ft	21 ft	7.5 ft	17 ft	18.5 ft	20 ft
Perpendicular	8.5 ft	19 ft	7.5 ft	16 ft	25 ft	25 ft

(b) No compact car spaces shall be allowed in parking areas containing less than twelve (12) parking spaces.

(c) In lots where compact car spaces are permitted, up to twenty-five percent (25%) of all spaces in the lot may be compact car parking spaces.

(d) Compact car spaces shall be visibly marked and/or posted with signs and shall be clustered in one section of the parking area.

## **(7) Surfacing**

(a) All parking spaces, access drives and maneuvering areas shall be improved and permanently maintained with an all-weather durable asphalt, concrete or comparable surface as approved by the Director of Public Works.

(b) Residential: Required single family residential parking spaces, access drives and maneuvering areas may be surfaced with gravel, decomposed granite or other all-weather surface as approved by the Director of Public Works, provided that the first 25 feet from a paved public street is paved with durable asphalt, concrete or comparable surface.

## **(8) Striping**

- (a) Parking spaces shall be clearly delineated with white, four-inch wide lines painted on the parking surface or with alternative materials as approved by the Director of Public Works.
- (b) The striping shall be continuously maintained in a clear and visible manner in compliance with the approved plans.

## **(9) Curbing/Wheel Stops**

- (a) Curbing: Concrete curbing at least six inches in height and six inches wide shall be required for all uses, other than single family residential, for parking areas located adjacent to fences, walls, property lines, landscaped areas and structures.
- (b) Individual Wheel Stops: Concrete wheel stops or comparable wheel stops approved by the Public Works Director shall be firmly attached to the ground and placed to allow two feet of front vehicle overhang within the dimension of the parking space.
- (c) Curbed Walkways: Curbed walkways may be used as wheel stops and partially included in the minimum length of the parking space, provided a minimum walkway width of four feet remains for safe and convenient pedestrian use.

## **(10) Driveways and Site Access**

- (a) Number of Access Driveways: To limit the number of potential conflicts between pedestrians, bicyclists and motor vehicles, the number of access drives per parcel shall be the minimum number required to serve the intended use of the parcel. The Director of Public Works in consultation with the Community Development Director and the Police Chief shall determine the permitted number of access driveways based on public safety and the intended use of the parcel.
- (b) Distance From Street Corners: Each access driveway shall be located a minimum of 50 feet from the nearest intersection, as measured from the centerline of the access road driveway to the centerline of the nearest travel lane of the intersecting street, unless a lesser or greater distance is approved or required by the Director of Public Works.
- (c) Access Driveway Spacing: Access driveways shall be separated along the street frontage in compliance with the following:
  - (i) Single Family and Duplex Development: Access driveways on a single parcel shall be separated by at least 25 feet. Access driveways on separate parcels shall be separated by at least 10 feet, unless shared single access is approved by the Director of Public Works. The separation shall not include the transition or wing sections on each side of the access drive.
  - (ii) Multi-Family and Non-Residential Development: Where two or more access drives serve the same or adjacent multifamily or non-residential development, the centerline of the access drives shall be separated by a minimum of 30 feet. Exceptions to this standard may be approved by the Director of Public Works.

(iii) Approval of all Access Points: Entrances from exits to streets and alleys shall require Encroachment Permits, and shall only be provided at locations approved by the Director of Public Works.

#### **(11) Access Driveways Widths and Lengths**

##### **(a) Single Family Residential**

(i) Each single family residence shall be provided an access driveway with a minimum length of 20 feet from the back of the sidewalk, or the edge of the right-of-way where there is no sidewalk.

(ii) The access driveway width shall be between 10 and 20 feet wide.

##### **(b) Multi-Family or Non-Residential Developments**

(i) Two-way access driveways shall have a minimum width of 25 feet.

(ii) One-way access driveways shall have a minimum width of 16 feet.

#### **(12) Landscaping Requirements**

Landscaping shall be provided in all areas of a site subject to development with structures, grading, or the removal of natural vegetation, as follows.

(a) Parking Areas: Parking areas, other than single-family residential and secondary units, containing three or more parking spaces shall be landscaped as follows.

(i) Landscape Materials: Landscaping shall be provided throughout the parking lot as a combination of ground cover, shrubs, and trees.

(ii) Curbing: Landscape areas shall be provided protective curbing in compliance with Section **17.30.180(8)** (Curbing).

(iii) Groundwater Recharge: The design of parking lot landscape areas shall consider and may be required to include provisions for the on-site detention of stormwater runoff, pollutant cleansing, and groundwater recharge.

#### **(13) Perimeter Parking Lot Landscaping**

All surface parking areas shall be screened from streets and adjoining properties, and open areas between the parking area and the public street shall be landscaped.

(a) Adjacent to Streets: Parking areas adjacent to streets shall subject to the following regulations:

(i) A proposed parking area adjacent to a public street shall be designed with a landscaped planting strip between the street right-of-way and parking area with a minimum depth of 6 feet.

(ii) Landscaping within the planting strip shall be designed and maintained to screen cars from view from the street to a minimum height of 18 inches, but shall not exceed any applicable height limit for landscaping within a setback.

(iii) Screening materials may include a combination of plant materials, earth berms, solid decorative masonry walls, raised planters, or other screening devices that are determined by the review authority to meet the intent of this requirement.

(iv) Trees that reach a mature height of at least 20 feet shall be provided within the planting strip in addition to trees within the parking lot interior required by Subsection (a)(v). Trees types shall have root systems that will not extend beyond the planting area.

(v) Plant materials, signs, or structures within a traffic safety sight area of a driveway shall comply with Section 17.30.090(1) (Corner Lots – Sight Distance).

(b) Adjacent to Side or Rear Property Lines: Parking areas for nonresidential uses shall provide a screen or perimeter landscape strip where the parking area adjoins a side or rear property line unless, the sites share a joint access drive. The requirement for a landscape strip may be satisfied by a setback or buffer area that is otherwise required.

(c) Adjacent to Structures: When a parking area is located adjacent to a nonresidential structure, a landscape strip shall be provided adjacent to the structure, exclusive of any building entries, or areas immediately adjacent to the wall of the structure that serve as pedestrian access ways.

(d) Adjacent to Residential Use: A parking area for a nonresidential use adjoining a residential use shall provide a landscaped buffer setback with a minimum six-foot width between the parking area and the common property line bordering the residential use. A solid wall or fence, except for approved pedestrian access, and landscape buffer, shall be provided along the property line to address land use compatibility issues (e.g., nuisance, noise, and light/glare) as determined by the review authority.

#### **(14) Interior Parking Lot Landscaping.**

(a) Amount of Landscaping: Multi-family, commercial and industrial uses shall provide landscaping within each outdoor parking area at a minimum ratio of 10 percent of the gross area of the parking lot. Trees that reach a mature height of at least 20 feet shall be planted within the parking lot at a minimum ratio of one tree for each five parking spaces.

(b) Location of Landscaping: Landscaping shall be dispersed throughout the parking area, as follows.

(i) Parking lots with more than 50 spaces shall provide a concentration of landscape elements at primary entrances, such as trees, shrubs, flowering plants, enhanced paving, and project identification.

(ii) Landscaping shall be located so that pedestrians are not required to cross unpaved landscaped areas to reach building entrances from parked cars. This shall be achieved through proper orientation of the landscaped fingers and islands, and by providing pedestrian access through landscaped areas that would otherwise block direct pedestrian routes.

#### **(15) Parking Lot Lighting**

(a) An outdoor light fixture shall be limited to a maximum height of 15 feet or the height of the nearest building, whichever is less.

(b) Outdoor lighting shall utilize energy-efficient (high pressure sodium, low pressure sodium, hard-wired compact fluorescent, or other lighting technology that is of equal or greater energy efficiency) fixtures and lamps and motion sensors and/or daylight sensors unless determined infeasible by the review authority.

(c) Lighting fixtures shall be shielded or recessed to reduce light bleed to adjoining properties, by:

(i) Ensuring that the light source (e.g., bulb, etc.) is not visible from off the site; and

(ii) Confining glare and reflections within the boundaries of the site to the maximum extent feasible.

(iii) Each light fixture shall be directed downward and away from adjoining properties and public rights-of-way, so that no on-site light fixture directly illuminates adjacent properties.

(d) No lighting on private property shall produce an illumination level greater than one foot-candle on any property within a residential zoning district except on the site of the light source.

(e) No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness, as determined by the review authority.

#### **(16) Required Off-Street Parking.**

(a) Off-street parking facilities shall be provided for any new building constructed and for any new use established.

(i) The provisions of this subsection do not apply to existing structures located on Wildwood Avenue, south of Davis Street

(b) Off-street parking facilities shall be provided for any addition or enlargement of an existing building or use, or any manner of operation that would result in additional parking spaces being required, provided that additional parking shall be required only for such addition, enlargement, or change and not the entire building or use, unless space is available.

(c) Requirements for Lots Fronting Unimproved Roads: Whenever a use for which off-street parking is required is served by a roadway not improved to a width of forty feet (40') with asphalt or gravel, the following provisions shall be applicable:

(i) Additional improved off-street parking must be provided consistent as determined by the review authority or a parking lane may be constructed along the frontage of the lot in lieu of such additional parking requirements.

(ii) If the lot frontage exceeds one hundred twenty feet (120') the parking lane shall not be required to accommodate more than three (3) vehicles. Construction standards for the parking lane shall be as specified by the Department of Public Works in accordance with the City's Standard Improvement Specifications.

(d) Parking Requirements for Uses Not in Compliance With Current Parking Requirements.

(i) No additional parking spaces shall be required whenever existing uses not in compliance with the parking standards of this Code are transferred to new owners or operators who will continue the use without significant change, or

(ii) When new uses are initiated within existing structures which generate the same level of parking demand as the former use, or

(iii) When the new use generates a lower parking demand.

(iv) Whenever the use of any premises which is not in compliance with the parking standards of this Code is enlarged, expanded, or intensified, additional parking spaces consistent with this Code shall be provided only for the enlargement, expansion, or intensification, and not for the entire use, unless space is available.

(v) Whenever the use of any premises which is not in compliance with the parking standards of this Code is changed to a use where a higher parking demand is identified, additional parking spaces consistent with this Code shall be provided only for the additional intensity of the use, and not for the entire use, unless space is available.

(e) Levels of use, as they relate to this division, shall be determined by the Community Development Director in consultation with the Director of Public Works based on engineering standards and design studies, and the principal and conditional uses of the specific zone district.

(f) Multiple Uses and Joint Use. Whenever more than one use is proposed for a development site, the total off-street parking spaces required shall be the sum of the spaces required for each use. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use, except when use of the parking facilities for the different uses would not be concurrent or would otherwise not be conflicting, as determined by the Community Development Director in consultation with the Director of Public Works.

#### **(17) Number of Parking Spaces Required**

(a) Each land use shall be provided the number of off-street parking spaces required by this Section. Each space shall be independently accessible. See Sections **17.30.180(19)** and **17.30.180(20)** for off-street parking requirements for bicycles and motorcycles, respectively.

<b>Land Use Type</b>	<b>Minimum Number of Required Off-Street Parking Spaces</b>
<b>Residential</b>	
Single Family & Duplexes	2 spaces per dwelling unit
<b>Multi-Family (3 or more units)</b>	
One Bedroom or Less	1 space per dwelling unit
Two or Three Bedrooms	2 spaces per dwelling unit
Four Bedrooms or More	2.5 spaces per dwelling unit
Guest Parking	.5 spaces per dwelling unit

Land Use Type	Minimum Number of Required Off-Street Parking Spaces
<b>Commercial</b>	
Ambulance Service	3 spaces for each emergency vehicle.
Animal Hospitals & Kennels	1 space for each 500 sq. ft. of gross floor area.
Appliance & Furniture Sales	1 space for each 500 sq. ft. of gross floor area.
Art Galleries/Studios	1 space for every 300 sq. ft. of gross floor area.
Auditoriums, Assembly Hall, Community Centers, Theaters	1 space for every 4 seats. Without fixed seats, 1 space for every 100 sq. ft. of assembly area.
Automobile & Boat Sales	4 spaces for first 10,000 sq. ft. of lot area, plus 1 space for each 3,000 sq. ft. thereafter.
Automobile Repair, Tire Sales & Repairs	3 spaces for each service stall/bay.
Banks, Credit Unions, Savings & Loans	1 space for every 250 sq. ft. of gross floor area.
Barbershops, Hair Salons	2 spaces for each chair or station.
Bed Breakfast Inns	1 space for each guest room, plus 2 additional spaces.
Hotels & Motels	1 space for each guest room, plus 2 additional spaces.
Night Clubs, Bars, Cocktail Lounges	1 space for every 200 sq. ft. of gross floor area.
Professional Offices, including Engineers, Architects, Realtors, Financial Advisors, Medical & Dental	1 space for every 250 sq. ft. of gross floor area.
Retail Sales & Service	1 space for every 250 sq. ft. of gross floor area.
Restaurants	1 space for every 4 seats or 1 space for every 200 sq. ft. of dining area, which is ever greater.
Shopping Centers	1 space for every 300 sq. ft. of gross floor area.
<b>Industrial Uses</b>	
Mini Storage Facilities	1 space for every 20 units.
Warehouses, Wholesale Manufacturing	1 space for every 500 sq. ft. of gross floor area.
<b>Recreational Uses</b>	
Amusement Arcades	1 space for each 300 sq. ft. of gross floor area, plus 10 bicycle spaces/racks within 25 feet of main entrance



<b>Land Use Type</b>	<b>Minimum Number of Required Off-Street Parking Spaces</b>
<b>Recreational Uses Continued</b>	
Batting Cages/Golf Driving Range	1.5 spaces per batting stand or tee.
Billiard/Pool Hall	2 spaces per table.
Bowling Alleys	3 spaces for each lane.
Card Room, Bingo	1 space for every 4 seats.
Fitness Clubs	1 space for every 250 sq. ft. of gross floor area.
Skating Rinks	1 space for every 500 sq. ft. of gross floor area.
<b>Other uses</b>	
Care, Convalescent & Nursing Homes	1 space for every 2 beds
Child Care Center	1 space per 8 children.
Churches, Worship Facilities	1 space for every 4 seats. Without fixed seats, 1 space for every 100 sq. ft. of assembly area.
Hospitals	1 space for every 2 beds
Mortuaries	1 space for every 4 seats. Without fixed seats, one space for every 100 sq. ft. of assembly area.

(b) **Parking Spaces for Uses Not Specified:** The parking space requirements for uses not set forth in this Code shall be fixed by the Community Development Director in consultation with the Director of Public Works based upon available studies and standards for the most comparable use.

(c) **Fractional Spaces:** Where the application of the parking requirement table results in a fractional parking space requirement, a fraction of 0.5 or higher shall be resolved to the higher whole number.

(d) **Variable Demand:** Where the demand for parking is variable because of work shifts or peak business periods, parking space requirements shall be based upon the periods of highest parking demand.

### **(18) Handicap Parking Facilities**

(a) **Parking Facilities for the Physically Handicapped:** Facilities accommodating the general public, including but not limited to auditoriums, theaters, restaurants, hotels, motels, stadiums, retail establishments, medical offices and office buildings shall provide parking spaces for the physically handicapped.

(b) **Location of Handicap Spaces:** The handicapped parking spaces must be located so they are the closest spots to the accessible entrance and should be on ground level. The only exception is if the closest space is on a slope or uneven surface that would make it difficult to maneuver a

wheelchair through. In that case, the closest flat space should be designated for handicapped parking. There must also be an accessible route between the parking spot and the entrance way. On this route there cannot be stairs or sloped surfaces, and it must be slip-proof.

(c) Size of Handicap Spaces: Handicapped parking spaces shall be at least 9 feet wide and 18 feet long. Access aisles for cars must be at least 18 feet long and 5 feet wide. Access aisles for vans must be at least 18 feet long and 8 feet wide.

(d) Number of Handicap Spaces: Parking facilities containing 1 through 25 spaces, inclusive, shall include one (1) handicapped parking space permanently signed with the international symbol of accessibility. One more handicapped space shall be provided for each additional 25 spaces or increment thereof. One out of every 8 stalls

### **(19) Bicycle Parking Facilities**

Each multi-family and non-residential land use shall provide bicycle parking in compliance with this Section.

(a) Bicycle Parking Design, Devices and Location: Each bicycle parking or storage space shall be no less than 6 feet long by 2 feet wide, plus additional space as may be needed for access, and shall have a rack or shelter capable of supporting and securing bicycles of various types and sizes in an upright position. Each space shall be conveniently located and interfere with pedestrian walkways.

(b) Number of Bicycle Spaces: Bicycle spaces shall be required as follows:

<b>Vehicle Parking Spaces Required</b>	<b>Number of Bicycle Spaces Required</b>
3 - 25	3
26 - 50	5
51 - 75	10
76 - 100	15
100+	20

### **(20) Motorcycle Parking**

A parking lot with 20 or more spaces shall provide motorcycle parking spaces conveniently located near the main entrance of a structure and accessed by the same aisles that provide access to the vehicle parking spaces in the lot.

(a) Number of Parking Spaces: A minimum of 1 motorcycle parking space shall be provided for each 20 vehicle spaces or fraction thereof.

(b) Space Dimensions: Each motorcycle space shall have a minimum dimension of 4 feet wide by 7 feet long.

## **(21) Loading Space Requirements**

(a) Number of Required Loading Spaces: Non-residential uses shall provide off-street loading spaces in compliance with the Table below. Requirements for uses not listed shall be determined by the Community Development Director in consultation with the Director of Public Works based upon the requirements for comparable uses.

**Required Off-Street Loading Spaces**

<b>Type of Land Use</b>	<b>Total Gross Floor Area</b>	<b>Loading Spaces required</b>
Industrial, Manufacturing, Research and Development, Institutional and Service Uses	5,000 to 40,000 sq. ft.	1
	40,001 + sq. ft.	1 for each additional 40,000 sq. ft. up to a maximum of 3
Office and Retail Commercial	15,000 sq. ft. to 100,000 sq. ft.	1
	100,000 + sq. ft.	1 for each additional 100,000 sq. ft. up to a maximum of 3

(b) Standards for Off-Street Loading Areas: Off-street loading areas shall be provided in compliance with the following:

(i) Dimensions: Loading spaces shall be a minimum of 11 feet in width, 35 feet in length, with 14 feet of vertical clearance;

(ii) Lighting: Lighting shall also comply with the provisions of Section 17.30.180(15) (Parking Lot Lighting).

(c) Location of Loading Areas: The location of off-street loading areas shall be provided in compliance with the following:

(i) As near as possible to the main structure and limited to the rear two-thirds of the parcel, if feasible;

(ii) Situated to ensure that loading and unloading takes place on-site and in no case faces a public street, or is located within a required front setback, adjacent public right-of-way, or other on-site traffic circulation areas;

(iii) Situated to ensure that all vehicular maneuvers occur on-site. The loading areas shall allow vehicles to enter from and exit to a public street in a forward motion only; and

(iv) Situated to avoid adverse impacts upon neighboring residential properties and located no closer than 25 feet from a residential zoning district unless adequately screened.

(v) Loading spaces shall not be required for existing structures/uses located south of Elm Street on Wildwood Avenue.

(d) Loading Ramps: Plans for loading ramps or truck wells shall be accompanied by a profile drawing showing the ramp, ramp transitions, and overhead clearances.

(e) Screening: Loading areas shall be screened from abutting parcels and streets with a combination of dense landscaping and solid masonry walls with a minimum height of six feet.

(f) Striping. The striping of off-street loading areas shall be provided in compliance with Section 17.30.180(8) and the following:

(i) Loading spaces shall be striped, and identified for "loading only."

(ii) The striping and "loading only" notations shall be continuously maintained in a clear and visible manner in compliance with the approved plans.

(g) Surfacing: The surfacing of off-street loading areas shall be provided in compliance with the following:

(i) All loading areas shall be surfaced with asphalt, concrete pavement, durable pervious surface, or comparable material as determined by the Director of Public Works and the City Engineer when necessary and shall be graded to dispose of all surface water to the satisfaction of the Director of Public Works;

(h) Grading Plans: All grading plans relating to the loading facilities shall be reviewed and approved by the Director of Public Works and the City Engineer when necessary before any work can commence.

(i) Modifications: The Community Development Director in consultation with the Director of Public Works based may modify the provisions of this Section, where the Community Development Director first determines that the operating, shipping, and delivery characteristics of the use do not require the number or type of loading spaces required by this Section.

### **Section 3. Severability**

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

### **Section 4. Limitation of Actions**

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

### **Section 5. CEQA Compliance**

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), subject to Section 15061 of the CEQA Guidelines. Due to the nature of the proposed code revisions, there is no evidence that any significant impact to the environment would occur as a result of adoption of the Ordinance. Any environmental effects associated with adoption and implementation of the Ordinance.

### **Section 5. Effective Date**

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

**I HEREBY CERTIFY** that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on October 2, 2012 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 16th of October 2012 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Julie Woodall, Mayor

ATTEST:

\_\_\_\_\_  
Karen Dunham, City Clerk


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675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



For Meeting of: September 26, 2012

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager

Date: September 19, 2012

Subject: Town Center Use Types and Map Designation, Edwards Acquisition General Plan Amendments and Zone Reclassifications

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**Recommendation:**

That the Planning Commission:

1. Receive staff's report regarding amending the Town Center allowed uses and map designation and the Edwards/City General Plan Amendment and Zone Reclassification;
2. Open the public hearing, receive public input and deliberate;
3. Adopt Resolution No. PC 057-2012 recommending that the City Council:
  - A. Amend the Town Center/Urban Residential General Plan and Zoning map designations by redesignating approximately 37 acres from Town Center to Urban Residential;
  - B. Amend Table 1-1, Rio Dell Land Use Designation Acreage Distribution, to reflect the Town Center/Urban Residential mapping changes, the 2008-2009 Sawmill and Blue Slide Road annexations, the Edwards acquisition and the error in the Suburban Residential acreage;
  - C. Amend the Town Center description, Table 1-2, the Town Center permitted uses and Land Use policies LU-5 and LU-19 of the General Plan to reflect the proposed changes;
  - D. Amend the Town Center zoning text, Title, 17, Section 17.20.040 of the Rio Dell Municipal Code (RDMC) to reflect the proposed changes.

## Background

In May of this year staff organized a community workshop to discuss the One Way street concept in the Avenues neighborhoods and the possibility of amending the Town Center/Urban Residential land use designations. The current Town Center designation extends into predominantly and historically residential areas.

Existing single story single family residences are considered a non-conforming use in the Town Center zone. However, there are provisions, Section 17.30.160(3)(a) that allows non-conforming single story homes to be maintained, restored and expanded within the required setbacks. Regardless, the non-conforming designation has caused lenders to request "Burn Down" letters from the City regarding the ability to rebuild in case the residence is destroyed. There was discussion and support for limiting the Town Center designation to those parcels which front on Wildwood Avenue. The proposed changes are shown in **Exhibit A**.

In addition, there were discussions regarding expanding the allowed uses of the Town Center designation, including artisan studios, to encourage commercial development in the down town area. Another issue discussed was the requirement for two-story structures in the Town Center zone. Some folks felt that the two-story requirement could actually be discouraging new development. As such, there was support for the elimination of the two-story requirement for new structures located in the Town Center zone. The two-story requirement is not only applied to new commercial development, but also to new residential development.

The issue of requiring or not requiring new two-story mixed-use commercial structures in the Town Center is one of the issues staff expects both the Commission and the City Council will discuss. Staff certainly encourages mixed-use commercial development in the down town area, but at the same time does not want to recommend any regulations which may discourage new commercial development.

Included as **Attachment A** is a copy of the existing development standards for the Town Center zone. **Attachment B** identifies the recommended deletions in ~~strike through~~ and recommended additions in blue text and underlined. **Attachment C** identifies the recommended development standards for the Town Center zone.

In order to ensure the recommended changes are consistent with the General Plan, a General Plan Amendment is required for both the mapping changes and the text changes. The City's General Plan and Zoning map designations are consistent with one another and are actually identified on one map.

In regards to the recommended text amendments, staff is recommending that the land use description of the Town Center designation be amended. The existing Town Center description is shown below:

*The Town Center designation is the heart of Rio Dell. It is a mixed-use district that contains residential, commercial, office, lodging, and civic uses. The minimum lot size is 2,500 square feet. The required open space for residential uses is 35 percent, and there is no requirement for open space for non-residential uses.*

Staff is recommending that we expand the description as follows:

*The Town Center or TC designation is intended to provide an area for a broad range of uses which generate high pedestrian traffic and which do not have large space requirements, including artisan workshops and galleries, retail businesses, personal services, offices, eating places, visitor accommodations, and similar uses. Mixed residential-commercial uses are an important component of the TC designation and are encouraged to ensure an economically and socially vibrant downtown that is intended for, and enjoyed by, residents and visitors alike.*

The recommended description clearly indicates that the City's intent in the types of uses the City would like to see in the down town area. One of the primary reasons for amending the allowed use types is to try to attract and establish a vibrant down town arts community to be enjoyed by residents and visitors alike.

There are a number of General Plan land use policies that directly refer to the Town Center designation. Below is a copy of the applicable policies:

- LU-2. Encourage new construction in the Town Center that complements its historic character.
- LU-3. Encourage infill development of vacant and underutilized land in the Town Center before amending the General Plan to allow additional commercial and residential land elsewhere.
- LU-4. Prepare and adopt a mixed-use plan for the Wildwood Corridor that includes architectural guidelines, streetscape, pedestrian improvements and parking regulations.
- LU-5. Encourage residential development in the Town Center for a variety of social and income groups.
- LU-6. Protect adjacent residential neighborhoods with guidelines that scale down development at the periphery of the Town Center.
- LU-19. Residential uses within new buildings on lots located adjacent to Wildwood Avenue between Elm Street and the Eagle Prairie Bridge shall be limited to upper floors only. Exceptions for live-work uses may be provided through a conditional use permit where residential activities are located at the back of buildings.
- LU-23. Provide sufficient land for business expansion and attraction of new employers by designating a mixed-use corridor along Wildwood Avenue and in the Town Center.



Staff believes that Policies LU-5 and LU-19 need to be revised. Staff recommends that Policy LU-5 be slightly revised to refer to mixed-use residential development on the upper floors of multistory buildings. Accordingly, staff recommends the Policy be amended as follows:

LU-5. Encourage mixed-use residential development on the upper floors of multistory buildings in the Town Center for a variety of social and income groups.

In addition, staff recommends that Policy LU-19 be revised to eliminate the reference to those lots between Elm Street and the Eagle Prairie Bridge. It is staff's recommendation that all residential development in the Town Center designation be limited to upper floors of multistory buildings. In addition, staff is recommending that Live-Work units not occupy more than 40% of the floor area and that the Live-Work unit be occupied by the operator of the business.

Therefore, staff recommends that Policy LU-19 be amended as follows:

LU-19 ~~Residential uses within new buildings on lots located adjacent to Wildwood Avenue between Elm Street and the Eagle Prairie Bridge shall be limited to upper floors only. Exceptions for Live-work uses may be provided through a conditional use permit where residential activities are located at the back of buildings.~~ do not occupy more than 40% of the gross floor area and are occupied only by the operator of the business.

The City recently acquired approximately 3,800 square feet of APN's 053-051-006 & -007 and an associated easement of about 300 square feet from Collin and Kathryn Edwards for the purpose of providing an additional access to the City's treatment facility. At the time of the pending acquisition, staff recommended once the property was acquired, that staff follow-up with the Plan and Zone Boundary Amendment. The area that was acquired by the City is recommended to be redesignated from Suburban Low (SL) to Public Facility (PF). Please refer to **Exhibit B**.

Based on the recommended mapping amendments, Table 1-1 Rio Dell Land Use Designation Acreage Distribution needs to be revised to reflect the changes. The current Town Center designation encompasses 48 acres. The current Urban Residential designation encompasses 326.6 acres. The recommended mapping changes will redesignate approximately 37.25 acres from Town Center to Urban Residential. In addition, Table 1-1 Rio Dell Land Use Designation Acreage Distribution needs to be revised to reflect the 2009 Sawmill and Blue Slide Road annexations (300.1 acres), the Broussard and Eel River Sawmills amendments and the Edwards acquisition. Accordingly, staff recommends that Table 1-1 Rio Dell Land Use Designation Acreage Distribution, be revised as follows:

**Table 1-1 Rio Dell Land Use Designation Acreage Distribution**

Land Use Designation		City		SOI		Total	
		Acreage	%	Acreage	%	Acreage	%
R	Rural	334.0	21.2%	160	100%	494.0	28.6%
SL	Suburban Low	250.9	16.3%	0	0.0%	250.9	14.6%
SM	Suburban Medium	0	0.0%	0	0.0%	0	0.0%
SR	Suburban Residential	6.0	0.3%	0	0.0%	6.0	0.3%

UR	Urban Residential	361.0	22.8%	0	0.0%	361.0	21.0%
TC	Town Center	10.7	0.8%	0	0.0%	10.7	0.6%
NC	Neighborhood Commercial	6.0	0.3%	0	0.0%	6.0	0.3%
CC	Community Commercial	33.0	2.1%	0	0.0%	33.0	1.9%
I	Industrial	0	0.0%	0	0.0%	0	0.0%
IC	Industrial Commercial	77.0	4.9%	0	0.0%	77.0	4.4%
NR	Natural Resources	176.0	11.1%	0	0.0%	176.0	10.1%
PF	Public Facility	50.1	3.4%	0	0.0%	50.1	2.9%
	Road Rights of Way/River	266.0	16.8%	0	0.0%	266.0	15.3%
<b>Totals:</b>		<b>1578.9</b>	<b>100%</b>	<b>160</b>	<b>100%</b>	<b>1738.9</b>	<b>100%</b>

### Procedures for Plan Amendments

California Government Code § 65350-65362 contains the following procedural requirements to amend a general plan:

- Prior to action to amend a general plan, the proposed action should be referred to and circulated for 45 days to: the City, County, school districts, LAFCo, regional planning agencies, any federal or state agencies, water providers, and Native American tribes with traditional lands located within the City;
- The Planning Commission shall hold at least one public hearing before approving a recommendation on the amendment;
- The Planning Commission shall make a written recommendation on the amendment;
- Prior to amending the general plan, the City Council shall hold at least one public hearing;
- The City Council shall amend the general plan by resolution, which shall be adopted by not less than a majority of the legislative body;
- City Council may approve, modify, or disapprove the Planning Commission recommendations, however any substantial modifications not previously considered by the Planning Commission shall first be referred to the Planning Commission for its recommendation;
- Copies of the adopted general plan amendment shall be made available for inspection by the public one working day following adoption;
- Within two working days after a request, copies shall be furnished to those so requesting;
- Any specific plan or other plan of the City that is applicable to the same areas or matters affected by a general plan amendment shall be reviewed and amended as necessary to make the specific or other plan consistent with the General Plan;

### Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.30.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.30.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.30.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

### **Plan and Zone Amendment Required Findings:**

#### **1. The proposed amendments are deemed to be in the public interest.**

##### **Town Center Text Amendments**

The proposed text amendments to the Town Center land use and zoning designations are in the public interest because:

- The current description of the Town Center designation in the Zoning Regulations is vague and incomplete. It does not clearly convey the intent of the designation;
- The current identified principally and conditionally permitted uses are general in nature and do not identify specific use types. As such the City is required to make consistency findings on a case by case basis;
- Identifying specific use types not only makes it easier for the City to make use type determinations, but also clearly conveys to the public what types of uses are principally and conditionally permitted;

- Identifying artisan studios as conditionally permitted uses will encourage a downtown arts and entertainment district and help revitalize the downtown commercial district to be enjoyed by residents and visitors alike;
- The current designation allows detached and attached single family dwellings. The public and the City want to encourage commercial development as the primary use in the downtown area and residential uses as accessory uses;
- The current Town Center Development Standards require that buildings be a minimum of two-stories. Based on community comments, many folks believe this discourages new commercial businesses who have no desire to build a multi-story building; and
- There is no need for residential setback requirements because detached and attached single family dwellings will no longer be allowed uses under the recommended amendments.

#### Town Center/Urban Residential Mapping

Limiting the Town Center designation to those parcels that front on Wildwood Avenue is in the public interest because:

- Some of the allowed Town Center uses are not compatible with the existing residential character of the adjacent neighborhoods;
- There are no existing commercial uses within the area to be redesignated;
- The area to be redesignated Urban Residential is developed with residential uses;
- Existing single story residences are considered non-conforming uses and can not be rebuilt if more than 60% of its current appraised value is destroyed;
- Some lending institutions are reluctant to finance existing single family homes that are not two-stories in height as required by the Town Center designation;
- Some folks believe the 2,500 square foot minimum requirement in the Town Center designation is not compatible with the existing development pattern of the neighborhoods; and
- The 2,500 square foot minimum and 25 foot lot width minimum requirement in the Town Center designation encourages additional driveways and reduces available on street parking in neighborhoods that already have limited on-street parking

#### Edwards Acquisition

Redesignating the 3,800 square foot parcel acquired by the City from the Edwards from Suburban Residential to Public Facility is in the public interest because:

- The Public Facility designation is intended to be applied to City and other government owned lands (i.e. Schools, Utilities, Fire Stations, etc.) within the City; and
- The City acquired title of the property in the spring of this year.

## **2. The proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.**

As discussed in the background section, the proposed amendments include minor changes to the Land Use Policies to ensure overall consistency with the rest of the General Plan. The recommended Land Use Policy revisions are as follows:

- LU-5. Encourage mixed-use residential development on the upper floors of multistory buildings in the Town Center for a variety of social and income groups.

In addition, staff recommends that Policy LU-19 be revised to eliminate the reference to those lots between Elm Street and the Eagle Prairie Bridge. It is staff's recommendation that all residential development in the Town Center designation be limited to upper floors of multistory buildings. In addition, staff is recommending that Live-Work units not occupy more than 40% of the floor area and that the Live-Work unit be occupied by the operator of the business.

Therefore, staff recommends that Policy LU-19 be amended as follows:

- LU-19 ~~Residential uses within new buildings on lots located adjacent to Wildwood Avenue between Elm Street and the Eagle Prairie Bridge shall be limited to upper floors only. Exceptions for Live-work uses may be provided through a conditional use permit where residential activities are located at the back of buildings-~~ do not occupy more than 40% of the gross floor area and are occupied only by the operator of the business.

With these recommended changes, staff believes the amendments are consistent with an overall comprehensive view of the General Plan.

## **3. The potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.**

There is no evidence to suggest that the proposed amendments would be detrimental to the public health, safety or welfare.

The proposed Town Center/Urban Residential mapping amendment will help ensure that potential uses in the residential areas will be compatible with the existing residential character of the area. In addition, the Urban Residential designation requires 6,000 square foot minimum parcel sizes, which is clearly consistent with the residential development pattern of the area. The Town Center designation allows 25 foot wide, 2,500 square foot lots. These smaller lots increase the overall density, parking demands and eliminate already scarce on street parking opportunities.

The recommended text amendments are very minor in nature. The recommended changes essentially clarify the allowed uses, identify artisan studios as conditionally permitted uses, establish Live-Work development standards and eliminate the requirement for two-story construction in the Town Center designation. The other text amendments to Tables 1-1 and 1-2 of the General Plan are also very minor and there is no evidence or reason to believe that they would be detrimental to the public health, safety or welfare.

**4. The proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).**

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA.

The proposed parking amendment identifies additional land use types, requires buffers, landscaping, lighting provisions and on-site stormwater detention/retention facilities for larger parking areas. Staff believes these are beneficial impacts on the environment.

As discussed above, the Town Center/Urban Residential mapping change will actually reduce potential impacts associated with overcrowding, on-street parking availability and potential conflicts with the existing residential character of the area.

Based on the nature of the proposed amendments, staff believes there is no evidence to suggest that the amendments will have a **significant** effect on the environment.

**Financial Impact**

The City is responsible for the costs associated with processing the proposed amendments. The staff time associated with the processing of the amendment is included in the current budget. Therefore, no additional budget costs will be incurred.

**Alternatives**

The Planning Commission could recommend that the City Council not pursue the proposed amendments.

**Exhibits/Attachments:**

Exhibit A. Proposed Town Center to Urban Residential mapping designations.

Exhibit B. Proposed Suburban Low to Public Facilities mapping designation.

Attachment A. Existing Development Standards for the Town Center zone.

Attachment B. The recommended Town Center zone deletions in ~~strike through~~ and recommended additions in blue text and underlined.

Attachment C. The recommended development standards for the Town Center zone.

Attachment D. Existing and proposed changes to Table 1-2 of the General Plan.

Attachment E. Resolution No. PC 057-2012 recommending that the City Council approve and adopt the recommended amendments.

Attachment F. Draft Ordinance No. 297-2012 amending the Town Center/Urban Residential zoning designations, the allowed uses and development standards of the Town Center zone.

Attachment G. Draft Resolution No. 1177-2012 amending the Town Center to Urban Residential and Suburban Low to Public Facilities land use mapping designations, Land Use Policies LU-5 and LU-19 and Tables 1-2 and 1-2 of the General Plan.



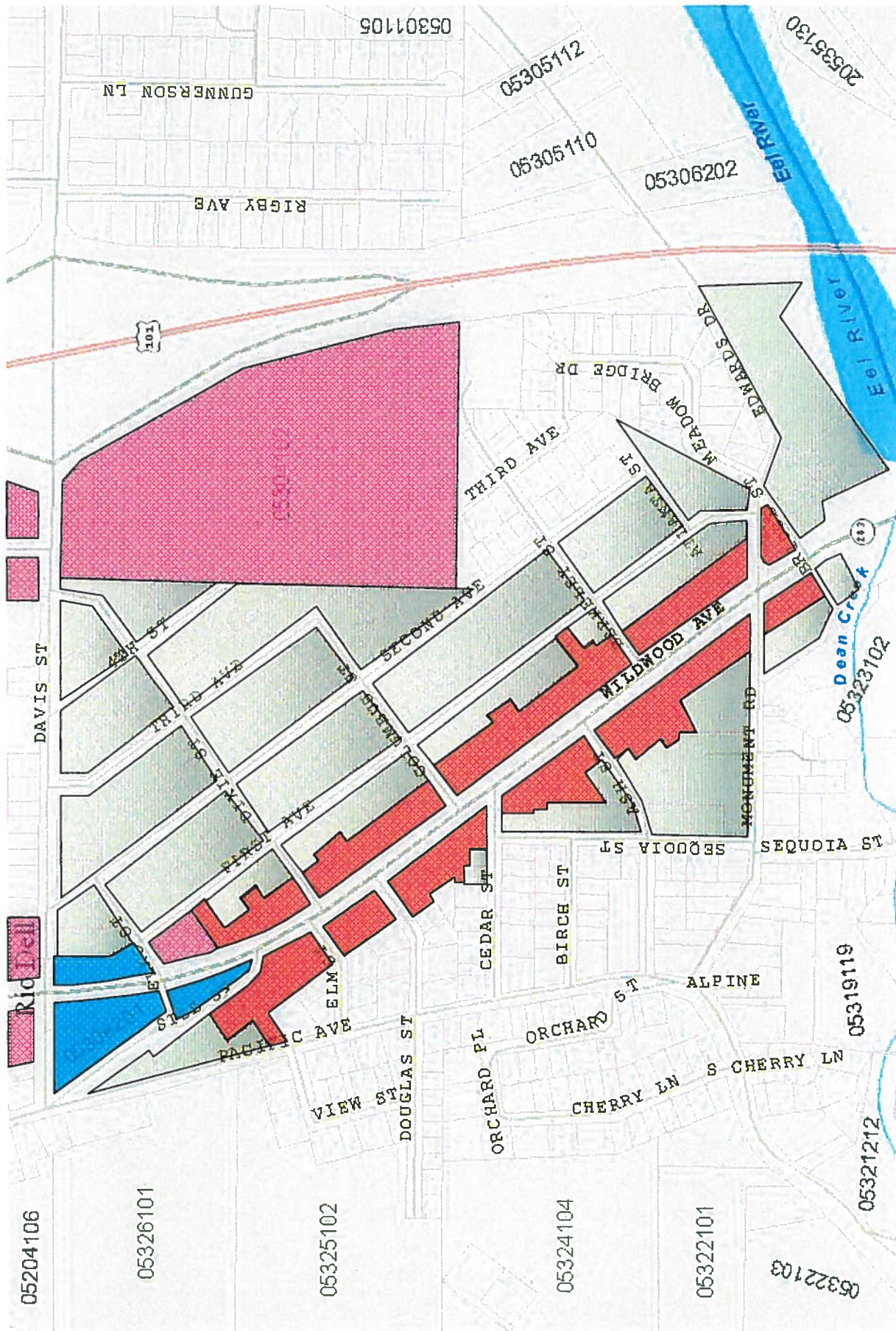
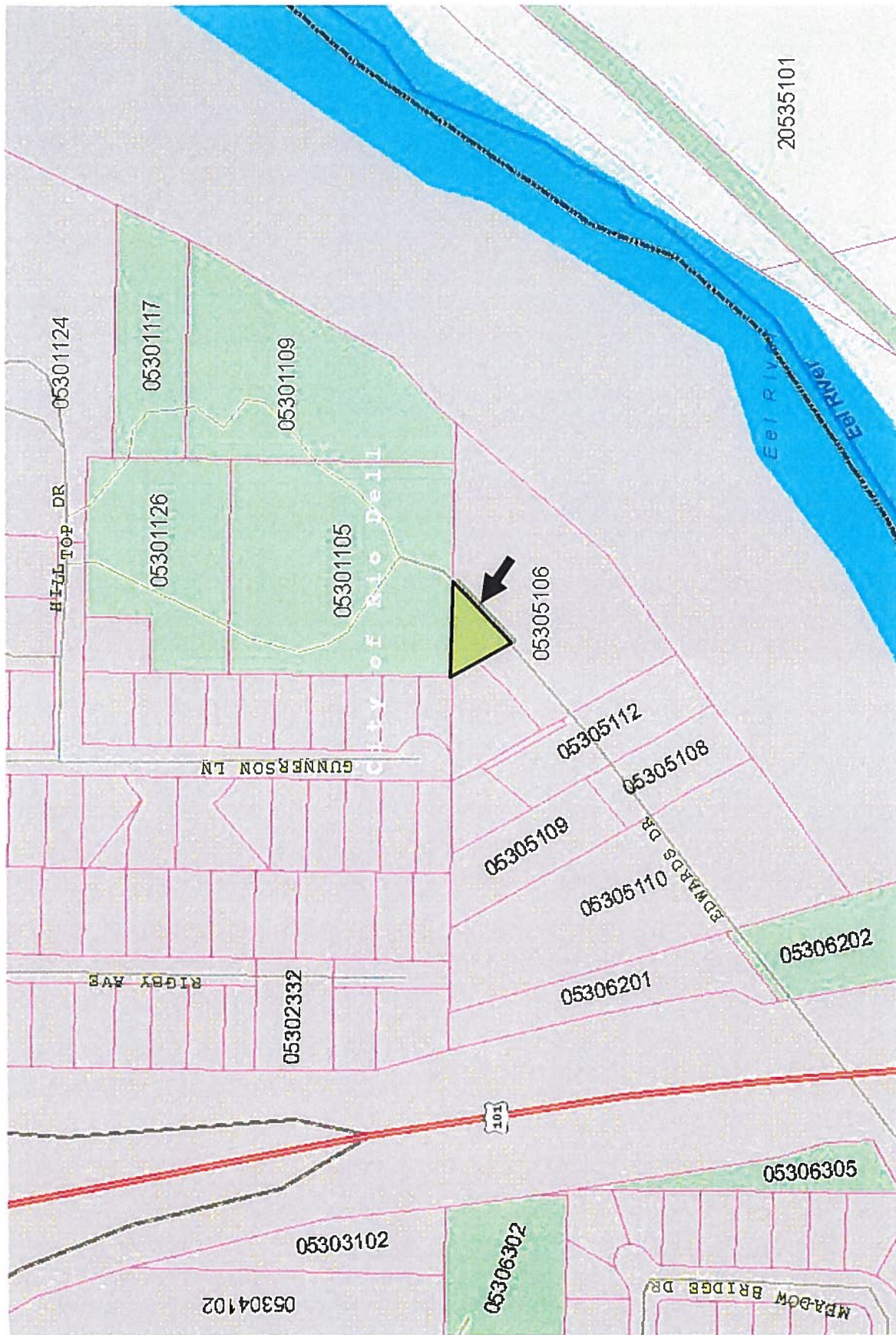


Exhibit A

Proposed Town Center to Urban Residential







**EXHIBIT B**  
**PROPOSED AREA TO BE REDESIGNATED FROM SUBURBAN LOW TO PUBLIC FACILITY**

**17.20.040 Town Center or TC zone.**

The purpose of the town center or TC zone is to maintain the downtown as the heart of the City by establishing a mixed use district. The following regulations shall apply in all town center or TC zones:

**(1) Principal Permitted Uses.**

- (a) Detached and attached single-family dwellings;
- (b) Live/work residential;
- (c) Rooming and boarding of not more than two persons not employed on the premises;
- (d) Business and professional services;
- (e) Retail;
- (f) Restaurants;
- (g) Theaters;
- (h) Galleries;
- (i) Health services;
- (j) Commercial/residential building where the ground floor is put to one or more of the non-residential uses contained in this subsection and the upper floors are used solely for residential purposes.

**(2) Uses Permitted with a Use Permit.**

- (a) Civic and cultural organizations;
- (b) Hotels and motels;
- (c) Bars.

**(3) Other Regulations.** See Table 17.20.040 for development standards for the town center (TC) zone.

Table 17.20.040

Development Standards for the Town Center or  
TC Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	2,500 square feet
Maximum Ground Coverage:	100% for commercial, 35% for separate residential units [Floor Area Ratio = 2]
Minimum Lot Width:	25 feet
Minimum Yard Front:	20 feet (No setbacks required for mixed use or nonresidential uses)
Rear:	10 feet (No setbacks required for mixed use or nonresidential uses)
Side:	5 feet (No setbacks required for mixed use or nonresidential uses)
Minimum Building Height:	2 stories
Maximum Building Height:	3 stories or 45 feet

[Ord. 252 § 4.04, 2004.]

#### **17.20.040 Town Center or TC zone.**

~~The purpose of the town center or TC zone is to maintain the downtown as the heart of the City by establishing a mixed use district.~~

The purpose of the Town Center or TC zone is to provide an area for a broad range of uses which generate high pedestrian traffic and which do not have large space requirements, including artisan workshops and galleries, retail businesses, personal services, offices, eating places, visitor accommodations, and similar uses. Mixed residential-commercial uses are an important component of the TC zone and are encouraged to ensure an economically and socially vibrant downtown that is intended for, and enjoyed by, residents and visitors alike.

The following regulations shall apply in all town center or TC zones:

##### **(1) Principal Permitted Uses.**

~~(a) Detached and attached single-family dwellings;~~ Resident and visitor-serving retail and service uses conducted entirely within an enclosed building, including, but not limited to: grocery stores; drug stores; hardware stores; variety stores; sporting goods stores; bakeries; coffee shops; fruit and vegetable markets; bicycle sales, rentals and repair shops; bowling alleys; furniture sales; audio-video stores; florists; frame shops; clothing and apparel businesses; health clubs; dry cleaning, not including processing plants; laundromats; tailors; shoe repair; retail sales and repair of household goods and appliances; and hobby and craft shops;

~~(b) Live/work residential;~~ Apartments on the upper floors of multistory buildings.

~~(c) Rooming and boarding of not more than two persons not employed on the premises;~~ Personal Service establishments, such as spas, nail salons, beauty salons, and barbershops

~~(d) Business and professional services~~ offices, such as for accountants, lawyers, architects, engineers, realtors, financial advisors, medical and dental offices,

~~(e) Retail;~~ Banks and financial institutions without drive-up facilities

~~(f) Restaurants~~ and licensed premises (bars) appurtenant thereto;

~~(g) Movie~~ Theaters;

~~(h) Galleries,~~ museums and gift shops;

~~(i) Health services;~~

~~(j) Commercial/residential building where the ground floor is put to one or more of the non-residential uses contained in this subsection and the upper floors are used solely for residential purposes.~~

##### **(2) Uses Permitted with a Use Permit.**

~~(a) Civic and cultural organizations~~ such as Elk and Moose Lodges, Rotary clubs, garden clubs;



(b) Hotels and motels; Bed and Breakfast Inns;

(c) ~~Bars~~. Licensed premises (bars) not appurtenant to any restaurant.

(d) Artisan studios and showrooms including, but not limited to: woodworking, glass blowing, metal works, ceramics, crafts, and clothing manufacturers.

(e) Live-Work units where residential activities are located at the back of buildings, do not occupy more than 40% of the gross floor area and are occupied by the operator of the business.

(3) Other Regulations. See Table 17.20.040 for development standards for the town center (TC) zone.

Table 17.20.040

Development Standards for the Town Center or  
TC Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	2,500 square feet
Maximum Ground Coverage:	100% for commercial, <del>35% for separate residential units</del> [Floor Area Ratio = 2]
Minimum Lot Width:	25 feet
Minimum Yard Front:	<u>None</u> . <del>20 feet (No setbacks required for mixed use or nonresidential uses)</del>
Rear:	<u>None</u> . <del>10 feet (No setbacks required for mixed use or nonresidential uses)</del> <u>if abutting a residential zone.</u>
Side:	<u>None</u> . <del>5 feet (No setbacks required for mixed use or nonresidential uses)</del> <u>if abutting a residential zone.</u>
<del>Minimum Building Height:</del>	<del>2 stories</del>
Maximum Building Height:	3 stories or 45 feet

[Ord. 252 § 4.04, 2004.]

#### **17.20.040 Town Center or TC zone.**

The purpose of the Town Center or TC zone is to provide an area for a broad range of uses which generate high pedestrian traffic and which do not have large space requirements, including artisan workshops and galleries, retail businesses, personal services, offices, eating places, visitor accommodations, and similar uses. Mixed residential-commercial uses are an important component of the TC zone and are encouraged to ensure an economically and socially vibrant downtown that is intended for, and enjoyed by, residents and visitors alike.

The following regulations shall apply in all town center or TC zones:

##### **(1) Principal Permitted Uses.**

- (a) Resident and visitor-serving retail and service uses conducted entirely within an enclosed building, including, but not limited to: grocery stores; drug stores; hardware stores; variety stores; sporting goods stores; bakeries; coffee shops; fruit and vegetable markets; bicycle sales, rentals and repair shops; bowling alleys; furniture sales; audio-video stores; florists; frame shops; clothing and apparel businesses; health clubs; dry cleaning, not including processing plants; laundromats; tailors; shoe repair; retail sales and repair of household goods and appliances; and hobby and craft shops;
- (b) Apartments on the upper floors of multistory buildings.
- (c) Service establishments, such as spas, nail salons, beauty salons, and barbershops
- (d) Business and professional offices, such as for accountants, lawyers, architects, engineers, realtors, financial advisors, medical and dental offices,
- (e) Banks and financial institutions without drive-up facilities
- (f) Restaurants and licensed premises (bars) appurtenant thereto;
- (g) Movie Theaters;
- (h) Galleries, museums and gift shops;

##### **(2) Uses Permitted with a Use Permit.**

- (a) Civic and cultural organizations such as Elk and Moose Lodges, Rotary clubs, garden clubs;
- (b) Hotels and motels; Bed and Breakfast Inns;
- (c) Licensed premises (bars) not appurtenant to any restaurant.
- (d) Artisan studios and showrooms including, but not limited to: woodworking, glass blowing, metal works, ceramics, crafts, and clothing manufacturers.

(3) Other Regulations. See Table 17.20.040 for development standards for the Town Center (TC) zone.

Table 17.20.040

Development Standards for the Town Center or  
TC Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	2,500 square feet
Maximum Ground Coverage:	100%
Floor Area Ratio	2
<b>Minimum Lot Width:</b>	25 feet
<b>Minimum Yards</b>	
Front:	None.
Rear:	None. 10 feet if abutting a residential zone.
Side:	None. 5 feet if abutting a residential zone.
Maximum Building Height:	3 stories or 45 feet

**Table 1-2 City of Rio Dell General Plan Land Use Designations**

<b>Existing Town Center Designation, Allowed Uses</b>					
<b>Designation</b>	<b>Permitted Uses</b>	<b>Minimum Lot Size</b>	<b>Open Space</b>	<b>Density/FAR</b>	<b>Building Height</b>
Town Center (TC)	<p>Residential uses including detached and attached houses, cottages, live-work units and in the upper floors of mixed-use buildings.</p> <p>Commercial uses including retail sales, retail services, restaurants, theaters, and galleries in a commercial or mixed-use building.</p> <p>Office uses including commercial services, professional services and health services in an office building, in a mixed-use building, or in a live-work unit.</p> <p>Lodging uses including hotels, bed and breakfast inns, rooming houses in a lodging building or in a mixed-use building.</p> <p>Civic and cultural uses including city offices and other governmental services, city parking facilities, conference centers, museums, libraries, day care centers and parks.</p>	2,500 square foot average	0%-for comm. office, & lodging, or mixed-use. 35%	10 to 22 units per net acre  FAR-2	Minimum 2 stories, maximum 3 stories, or maximum of 45 feet
<b>Proposed Town Center Designation, Allowed Uses</b>					
<b>Designation</b>	<b>Permitted Uses</b>	<b>Minimum Lot Size</b>	<b>Open Space</b>	<b>Density/FAR</b>	<b>Building Height</b>
Town Center (TC)	<p>Resident and visitor-serving retail and service uses conducted entirely within an enclosed building, including, but not limited to: retail sales, retail services, restaurants, artisan studios, galleries and theaters</p> <p>Residential uses including apartments on the upper floors of mixed-use buildings and live-work units.</p> <p>Office uses including commercial services, professional services and health services in an office building.</p> <p>Lodging uses including hotels, motels and bed and breakfast inn.</p> <p>Civic and cultural uses including city offices and other governmental services, city parking facilities, conference centers, museums, libraries, day care centers and parks.</p>	2,500 square foot average	0%	10 to 22 units per net acre  FAR-2	Maximum 3 stories or 45 feet



**RESOLUTION NO. PC 057-2012**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL  
RECOMMENDING APPROVAL OF THE TOWN CENTER/URBAN RESIDENTIAL MAPPING  
CHANGES, TOWN CENTER GENERAL PLAN AND ZONING TEXT AMENDMENTS, THE  
EDWARDS/CITY GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION AND  
THE TEXT AMENDMENTS TO TABLE 1-1 OF THE GENERAL PLAN TO REFLECT THE  
TOWN CENTER/URBAN RESIDENTIAL MAPPING AMENDMENTS, THE 2008-2009  
SAWMILL AND BLUE SLIDE ROAD ANNEXATIONS, THE BROUSSARD AND EEL RIVER  
SAWMILL GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION AND THE  
ACREAGE ERROR FOR THE SUBURBAN RESIDENTIAL DESIGNATION:**

**WHEREAS** the current Town Center designation extends into predominantly and historically residential areas; and

**WHEREAS** some of the allowed Town Center uses are not compatible with the existing residential character of the adjacent neighborhoods; and

**WHEREAS** there are no existing commercial uses within the area to be redesignated; and

**WHEREAS** the area to be redesignated Urban Residential is developed with residential uses; and

**WHEREAS** the current description of the Town Center designation in the Zoning Regulations is vague and incomplete and it does not clearly convey the intent of the designation; and

**WHEREAS** the current identified principally and conditionally permitted uses is general in nature and does not identify specific use types. As such the City is required to make consistency findings on a case by case basis; and

**WHEREAS** identifying specific use types not only makes it easier for the City to make use type determinations, but also clearly conveys to the public what types of uses are principally and conditionally permitted; and

**WHEREAS** identifying artisan studios as conditionally permitted uses will encourage a downtown arts and entertainment district and help revitalize the downtown commercial district to be enjoyed by residents and visitors alike; and

**WHEREAS** the current designation allows detached and attached single family dwellings and the public and the City want to encourage commercial development as the primary use in the downtown area and residential uses as accessory uses; and

**WHEREAS** the current Town Center Development Standards require that buildings be a minimum of two-stories. Based on community comments, many folks believe this discourages new commercial businesses who have no desire to build a multi-story building; and

**WHEREAS** the City recently acquired approximately 3,800 square feet of APN's 053-051-006 & -007 and an associated easement of about 300 square feet from Collin and Kathryn Edwards for the purpose of providing an additional access to the City's treatment facility; and

**WHEREAS** the area that was acquired by the City should be redesignated from Suburban Low (SL) to Public Facility (PF); and

**WHEREAS** General Plan Land Use Policies LU-5 and LU-19 need to be revised to reflect the recommended changes; and

**WHEREAS** Table 1-1 Rio Dell Land Use Designation Acreage Distribution needs to be revised to reflect the recommended changes to the Town Center/Urban Residential mapping, 2009 Sawmill and Blue Slide Road annexations (300.1 acres), the Broussard and Eel River Sawmills amendments and the Edwards acquisition; and

**WHEREAS** the City has reviewed and processed the proposed map and text amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

**WHEREAS** the City has reviewed and process the proposed map and text amendments in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission recommends that the City Council finds:

1. That based on public comment, evidence on file and presented in the staff report that the proposed amendments are deemed to be in the public interest; and
2. That based on evidence on file and presented in the staff report that the proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected; and
3. That based on evidence on file and presented in the staff report that the potential impacts of the proposed text amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and
4. That the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and
5. That the proposed amendments are Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

**PASSED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of September 26, 2012 by the following vote:**

AYES:	Commissioners:
NOES:	Commissioners:
ABSENT:	Commissioners:
ABSTAIN:	Commissioners:

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Karen Dunham, City Clerk

**ORDINANCE NO. 297 - 2012**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL  
AMENDING THE TOWN CENTER AND URBAN RESIDENTIAL MAP DESIGNATIONS,  
SECTION 17.15.030 OF THE RIO DELL MUNICIPAL CODE AND THE TOWN CENTER  
REGULATIONS, SECTION 17.20.040 OF THE RIO DELL MUNICIPAL CODE:**

**THE CITY COUNCIL OF THE CITY OF RIO DELL DOES ORDAIN AS FOLLOWS:**

**WHEREAS** the current Town Center designation extends into predominantly and historically residential areas; and

**WHEREAS** some of the allowed Town Center uses are not compatible with the existing residential character of the adjacent neighborhoods; and

**WHEREAS** there are no existing commercial uses within the area to be redesignated; and

**WHEREAS** the area to be redesignated Urban Residential is developed with residential uses; and

**WHEREAS** the current description of the Town Center designation in the Zoning Regulations is vague and incomplete and it does not clearly convey the intent of the designation; and

**WHEREAS** the current identified principally and conditionally permitted uses is general in nature and does not identify specific use types. As such the City is required to make consistency findings on a case by case basis; and

**WHEREAS** identifying specific use types not only makes it easier for the City to make use type determinations, but also clearly conveys to the public what types of uses are principally and conditionally permitted; and

**WHEREAS** identifying artisan studios as conditionally permitted uses will encourage a downtown arts and entertainment district and help revitalize the downtown commercial district to be enjoyed by residents and visitors alike; and

**WHEREAS** the current designation allows detached and attached single family dwellings and the public and the City want to encourage commercial development as the primary use in the downtown area and residential uses as accessory uses; and

**WHEREAS** the current Town Center Development Standards require that buildings be a minimum of two-stories. Based on community comments, many folks believe this discourages new commercial businesses who have no desire to build a multi-story building; and

**WHEREAS** the City recently acquired approximately 3,800 square feet of APN's 053-051-006 & -007 and an associated easement of about 300 square feet from Collin and Kathryn Edwards for the purpose of providing an additional access to the City's treatment facility; and

**WHEREAS** the area that was acquired by the City should be redesignated from Suburban Low (SL) to Public Facility (PF); and

**WHEREAS** the City has reviewed and processed the proposed map and text amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

**WHEREAS** the City has reviewed and process the proposed map and text amendments in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission recommends that the City Council finds:

1. That based on public comment, evidence on file and presented in the staff report that the proposed amendments are deemed to be in the public interest; and
2. That based on evidence on file and presented in the staff report that the proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected; and
3. That based on evidence on file and presented in the staff report that the potential impacts of the proposed text amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and
4. That the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and
5. That the proposed amendments are Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

**BE IT FURTHER RESOLVED**, that the City Council of the City of Rio Dell does hereby ordain as follows:

### **Section 1. Zoning Map Amendments**

Section 17.15.030 of the Rio Dell Municipal Code is hereby amended as follows:

APN 053-051-015 (City of Rio Dell) are hereby redesignated from Suburban Low (SL) to Public Facility (PF).

The Town Center and Urban Residential zones are hereby amended as shown in Exhibit A.

## Section 2. Zoning Text Amendments

Section 17.20.040 is hereby amended as follows:

### 17.20.040 Town Center or TC zone.

~~The purpose of the town center or TC zone is to maintain the downtown as the heart of the City by establishing a mixed use district.~~

The purpose of the Town Center or TC zone is to provide an area for a broad range of uses which generate high pedestrian traffic and which do not have large space requirements, including artisan workshops and galleries, retail businesses, personal services, offices, eating places, visitor accommodations, and similar uses. Mixed residential-commercial uses are an important component of the TC zone and are encouraged to ensure an economically and socially vibrant downtown that is intended for, and enjoyed by, residents and visitors alike.

The following regulations shall apply in all town center or TC zones:

#### (1) Principal Permitted Uses.

~~(a) Detached and attached single-family dwellings;~~ Resident and visitor-serving retail and service uses conducted entirely within an enclosed building, including, but not limited to: grocery stores; drug stores; hardware stores; variety stores; sporting goods stores; bakeries; coffee shops; fruit and vegetable markets; bicycle sales, rentals and repair shops; bowling alleys; furniture sales; audio-video stores; florists; frame shops; clothing and apparel businesses; health clubs; dry cleaning, not including processing plants; laundromats; tailors; shoe repair; retail sales and repair of household goods and appliances; and hobby and craft shops;

~~(b) Live/work residential;~~ Apartments on the upper floors of multistory buildings.

~~(c) Rooming and boarding of not more than two persons not employed on the premises; Personal~~ Service establishments, such as spas, nail salons, beauty salons, and barbershops

~~(d) Business and professional services~~ offices, such as for accountants, lawyers, architects, engineers, realtors, financial advisors, medical and dental offices,

~~(e) Retail;~~ Banks and financial institutions without drive-up facilities

~~(f) Restaurants~~ and licensed premises (bars) appurtenant thereto;

~~(g)~~ Movie Theaters;

~~(h)~~ Galleries, museums and gift shops;

~~(i) Health services;~~

~~(j) Commercial/residential building where the ground floor is put to one or more of the non-residential uses contained in this subsection and the upper floors are used solely for residential purposes.~~

**(2) Uses Permitted with a Use Permit.**

(a) Civic and cultural organizations such as Elk and Moose Lodges, Rotary clubs, garden clubs;

(b) Hotels and motels; Bed and Breakfast Inns;

(c) ~~Bars.~~ Licensed premises (bars) not appurtenant to any restaurant.

(d) Artisan studios and showrooms including, but not limited to: woodworking, glass blowing, metal works, ceramics, crafts, and clothing manufacturers.

(e) Live-Work units where residential activities are located at the back of buildings, do not occupy more than 40% of the gross floor area and are occupied by only the operator of the business.

(3) Other Regulations. See Table 17.20.040 for development standards for the town center (TC) zone.

Table 17.20.040

Development Standards for the Town Center or  
TC Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	2,500 square feet
Maximum Ground Coverage:	100% for commercial, <del>35% for separate residential units</del> [Floor Area Ratio = 2]
Minimum Lot Width:	25 feet
Minimum Yard	
Front:	<u>None.</u> <del>20 feet (No setbacks required for mixed use or nonresidential uses)</del>
Rear:	<u>None.</u> <del>10 feet (No setbacks required for mixed use or nonresidential uses)</del> <u>if abutting a residential zone.</u>
Side:	<u>None.</u> <del>5 feet (No setbacks required for mixed use or nonresidential uses)</del> <u>if abutting a residential zone.</u>
<del>Minimum Building Height:</del>	<del>2 stories</del>
Maximum Building Height:	3 stories or 45 feet

### **Section 3. Severability**

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

### **Section 4. Limitation of Actions**

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

### **Section 5. CEQA Compliance**

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), subject to Section 15061 of the CEQA Guidelines. Due to the nature of the proposed code revisions, there is no evidence that any impact to the environment would occur as a result of adoption of the Ordinance. Any environmental effects associated with adoption and implementation of the Ordinance would be beneficial in nature.

### **Section 6. Effective Date**

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

**I HEREBY CERTIFY** that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on October 16, 2012 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 6<sup>th</sup> of November 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Julie Woodall, Mayor

ATTEST:

\_\_\_\_\_  
Karen Dunham, City Clerk



**RESOLUTION NO. CC 1177-2012**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL APPROVING THE TOWN CENTER/URBAN RESIDENTIAL MAPPING CHANGES, TOWN CENTER GENERAL PLAN AND ZONING TEXT AMENDMENTS, THE EDWARDS/CITY GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION AND THE TEXT AMENDMENTS TO TABLE 1-1 OF THE GENERAL PLAN TO REFLECT THE TOWN CENTER/URBAN RESIDENTIAL MAPPING AMENDMENTS, THE 2008-2009 SAWMILL AND BLUE SLIDE ROAD ANNEXATIONS, THE BROUSSARD AND EEL RIVER SAWMILL GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION AND THE ACREAGE ERROR FOR THE SUBURBAN RESIDENTIAL DESIGNATION:**

**WHEREAS** the current Town Center designation extends into predominantly and historically residential areas; and

**WHEREAS** some of the allowed Town Center uses are not compatible with the existing residential character of the adjacent neighborhoods; and

**WHEREAS** there are no existing commercial uses within the area to be redesignated; and

**WHEREAS** the area to be redesignated from Town Center to Urban Residential (Exhibit A) is developed with residential uses; and

**WHEREAS** the current description of the Town Center designation in the Zoning Regulations is vague and incomplete and it does not clearly convey the intent of the designation; and

**WHEREAS** the current identified principally and conditionally permitted uses is general in nature and does not identify specific use types. As such the City is required to make consistency findings on a case by case basis; and

**WHEREAS** identifying specific use types not only makes it easier for the City to make use type determinations, but also clearly conveys to the public what types of uses are principally and conditionally permitted; and

**WHEREAS** identifying artisan studios as conditionally permitted uses will encourage a downtown arts and entertainment district and help revitalize the downtown commercial district to be enjoyed by residents and visitors alike; and

**WHEREAS** the current designation allows detached and attached single family dwellings and the public and the City want to encourage commercial development as the primary use in the downtown area and residential uses as accessory uses; and

**WHEREAS** the current Town Center Development Standards require that buildings be a minimum of two-stories. Based on community comments, many folks believe this discourages new commercial businesses who have no desire to build a multi-story building; and

**WHEREAS** the City recently acquired approximately 3,800 square feet of APN's 053-051-006 & -007 and an associated easement of about 300 square feet from Collin and Kathryn Edwards for the purpose of providing an additional access to the City's treatment facility; and

**WHEREAS** the area that was acquired by the City should be redesignated from Suburban Low to Public Facility (Exhibit B); and

**WHEREAS** General Plan Land Use Policies LU-5 and LU-19 need to be revised to reflect the recommended changes; and

**WHEREAS** Table 1-1 Rio Dell Land Use Designation Acreage Distribution needs to be revised to reflect the recommended changes to the Town Center/Urban Residential mapping, 2009 Sawmill and Blue Slide Road annexations (300.1 acres), the Broussard and Eel River Sawmills amendments and the Edwards acquisition; and

**WHEREAS** the City has reviewed and processed the proposed map and text amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

**WHEREAS** the City has reviewed and process the proposed map and text amendments in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission recommends that the City Council finds:

1. That based on public comment, evidence on file and presented in the staff report that the proposed amendments are deemed to be in the public interest; and
2. That based on evidence on file and presented in the staff report that the proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected; and
3. That based on evidence on file and presented in the staff report that the potential impacts of the proposed text amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and
4. That the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and
5. That the proposed amendments are Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

**I HEREBY CERTIFY** that the forgoing Resolution was duly introduced at a regular meeting of the City Council of the City of Rio Dell on October 16, 2012 and furthermore the forgoing Resolution was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 6<sup>th</sup> of November 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Julie Woodall, Mayor

ATTEST:

\_\_\_\_\_  
Karen Dunham, City Clerk

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675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



For Meeting of: September 26, 2012

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through:  Jim Stretch, City Manager

Date: September 20, 2012

Subject: Keller Variance; 202 Columbus Street  
File No. 053-152-012; Case No. VAR 01-02

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**Recommendation:**

That the Planning Commission:

1. Receive staff's report regarding the proposed lot line adjustment;
2. Open the public hearing, receive public input, close the public hearing and deliberate;
3. Find that:
  - (a) The location, shape, size, surroundings, topography, or other condition, applicable to the subject property, represent special circumstances, and that strict application of this title would deny the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district;
  - (b) The variance is necessary for the enjoyment and preservation of substantial property rights enjoyed by other property owners in the same vicinity and zoning district;
  - (c) The variance is consistent with the General Plan
  - (d) The variance is Categorically Exempt pursuant to Sections 15302 and 15303 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations
4. Adopt Resolution No. PC 058-2012 approving the proposed Variance.

## **Summary**

The applicant has made application for Variance to the required 5 foot side-yard setback to allow the reconstruction/replacement of an existing garage in the same location. This existing garage, which was likely built decades ago, is 1 ½ feet from the property line.

The applicant has submitted evidence in support of making the required findings. Please see Attachment A.

## **Required Findings**

### **Section 17.35.020 Variances.**

(1) A variance from the strict application of the terms of these regulations, other than regulations directly pertaining to the use of land and buildings which are not existing nonconforming uses, may be granted upon a finding that:

(a) The location, shape, size, surroundings, topography, or other condition, applicable to the subject property, represent special circumstances, and that strict application of this title would deny the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district;

(b) The variance is necessary for the enjoyment and preservation of substantial property rights enjoyed by other property owners in the same vicinity and zoning district; and

(c) The variance is consistent with the general plan.

## **Staff Analysis**

### **1. Special Circumstances**

The property is developed with an existing residence, garage and shop. The existing residence and garage, which were built prior to the adoption of the current zoning regulations, do not comply with the current setback requirements and are considered non-conforming uses. Under the current nonconforming use provisions, a property owner is only allowed to repair/replace up to 25% of the actual value of the building in any one year. Under these provisions, the property could rebuild the garage without a Variance, but it would take 4 years to complete the rebuild.

The location of the residence, driveway and the shop make it difficult to site the new garage to comply with the required 5 foot setback and provide enough maneuvering room for turning and backing movements of vehicles.

Staff suggested possibly building the new garage on the west side of the house which would require an additional driveway. There is approximately 10 feet between the house and the fence. Not only would there be a need to maneuver around the house in order to park in the new garage, but the need for another driveway would reduce the availability on of on-street parking in a neighborhood where on-street parking is already problem. In addition, this location would require the removal of mature landscaping. Furthermore, as the applicant correctly pointed out, the suggested location would not remove the non-conforming setback issue with the existing garage.

There are other properties in the area, including the subject property that does enjoy reduced setback privileges. Based on the above information and the justification submitted by the applicant, staff believes the required finding can be made.

## **2. Non-Conforming Uses in the Vicinity**

As discussed above, there are a number of non-conforming setbacks to structures in the area. As such the granting the requested Variance would not be a granting of a special privilege.

## **3. General Plan Consistency**

The parcels are planned and zoned Town Center. There are no General Plan Policies or Goals which would preclude the granting of the Variance.

## **4. California Environmental Quality Act (CEQA)**

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Class 2 and Class 3, Sections 15302 and 15303 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Section 15302 applies to the replacement or reconstruction of structures located on the same site in the same location. Section 15303 applies to the construction or conversion of small structures.

### **Attachments:**

Attachment 1: Conditions of Approval.

Attachment 2: Applicants Plot Plan and Justification.

Attachment 3: Resolution No. PC 058-2012

Attachment 4: CEQA Notice of Exemption

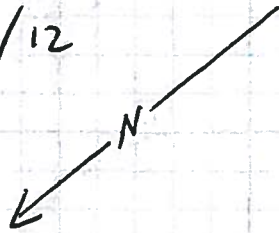
### **Conditions of Approval**

**Approval of the Variance is conditioned upon the following terms and requirements:**

1. The applicant shall pay the \$50.00 CEQA Notice of Exemption filing fee (payable to the County of Humboldt) within five (5) days all other associated processing fees within 30 days of billing.

Scale:  $\frac{1}{16}" = 1'$

8/29/12

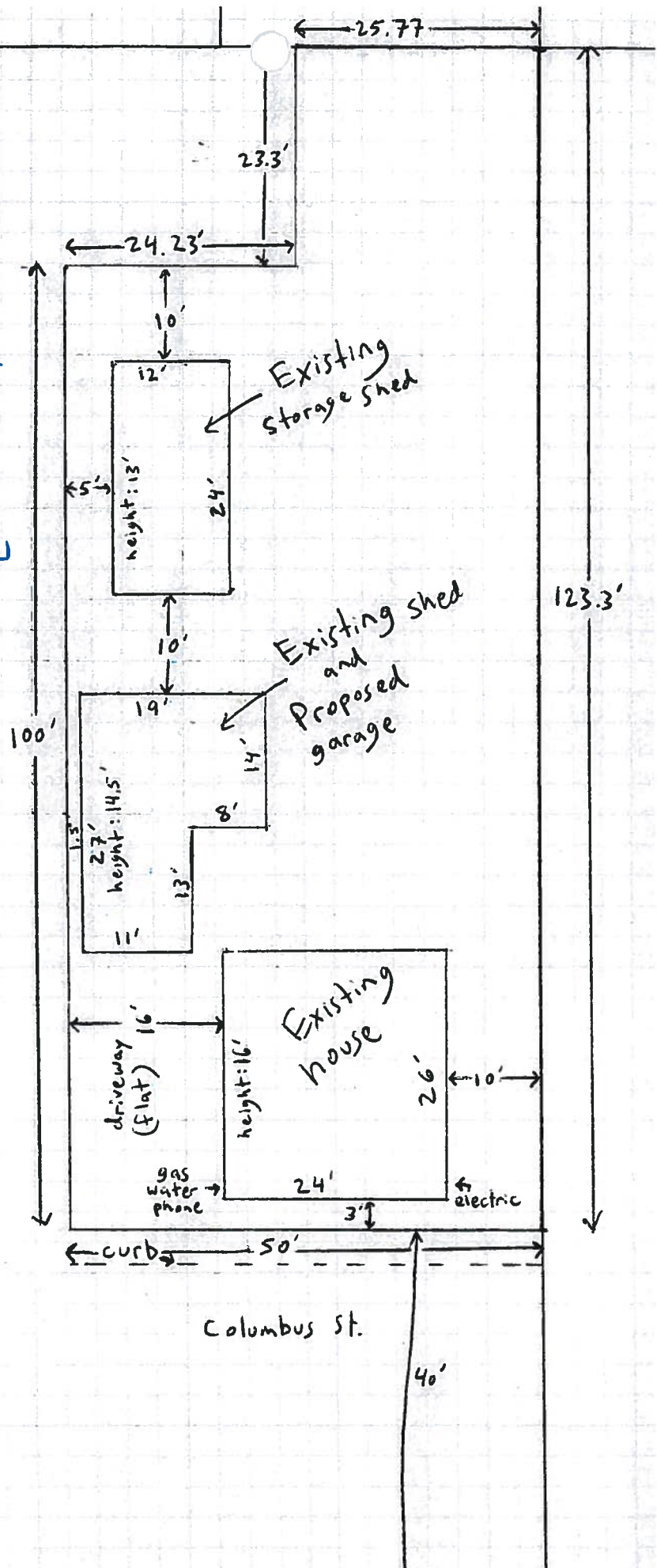


Applicant: Rad Kellar

202 Columbus St  
Rio Dell, CA.

APN 053-152-12

VARIANCE APPLICATION



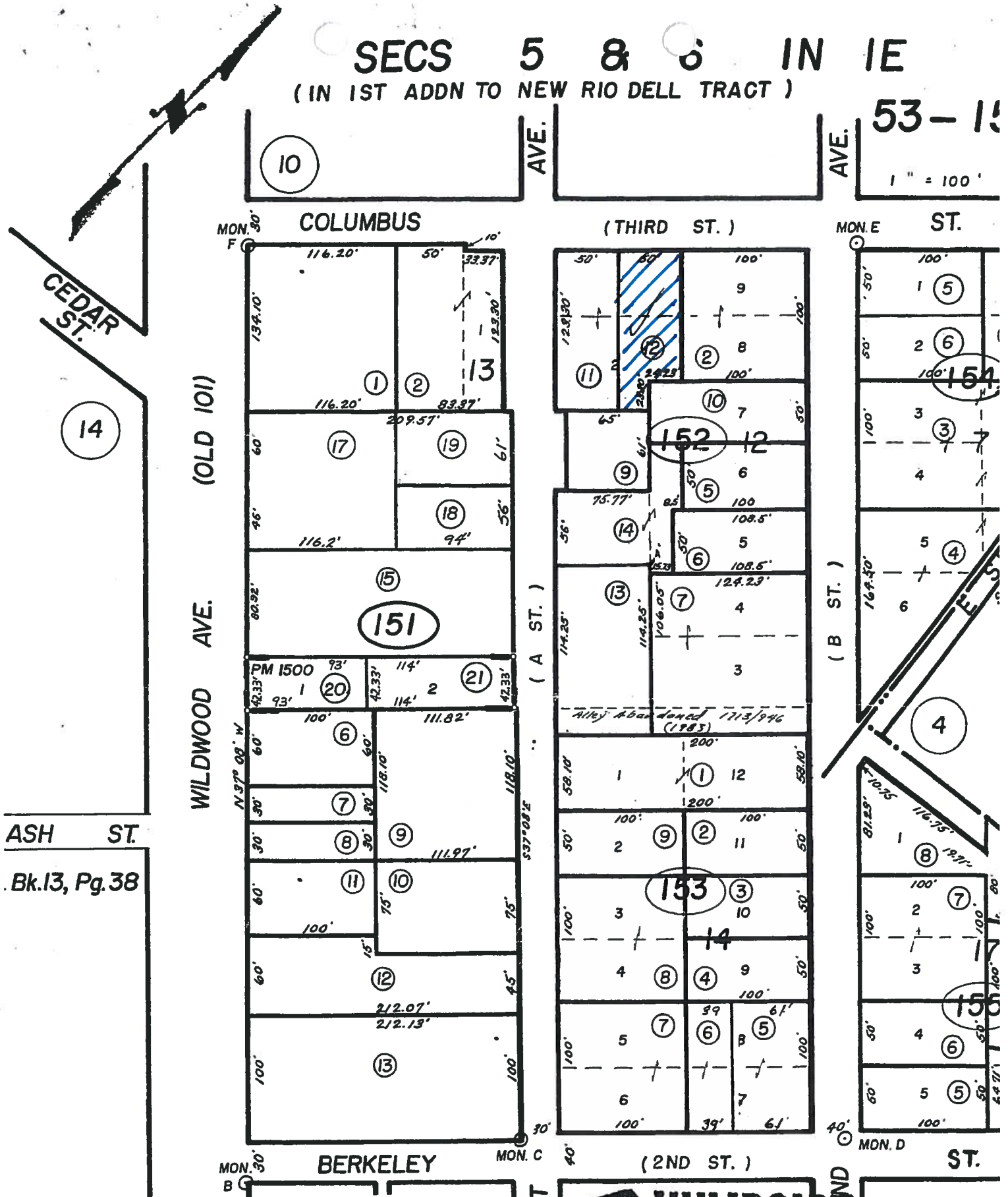


# SECS 5 & 6 IN 1E

(IN 1ST ADDN TO NEW RIO DELL TRACT)

53-15

1" = 100'



ASH ST.  
Bk.13, Pg.38

THIS IS A SKETCH AND NEITHER A SURVEY NOR NECESSARILY A TRUE REPRESENTATION OF THE LAND DESCRIBED IN, NOR IS IT A PART OF THE ATTACHED POLICY, PRELIMINARY REPORT OR OTHER EVIDENCE OF TITLE. IT IS COMPILED FOR GENERAL INFORMATION ONLY. ANY WARRANTY OR LIABILITY WITH RESPECT THERE TO IS EXPRESSLY DISCLAIMED HEREBY.

FIRST



**HUMBOLDT**  
*Land Title Co.*

611 "I" STREET  
EUREKA, CALIFORNIA 95501  
(707) 443-0007

CITY OF RIO DELL

VARIANCE APPLICATION (page 2 of 3)

This property has the following deed restrictions affecting its use:

\_\_\_\_\_  
\_\_\_\_\_

Said deed restrictions will expire on \_\_\_\_\_, 20\_\_\_\_\_.

**Supporting Data:** Answer the following questions as completely as possible.

1. What practical difficulties or unnecessary hardships, inconsistent with the objectives of the Zoning Ordinance, would result if the variance were not granted? It is not physically possible for me to build a usable one-car garage in the space proposed without the requested variance.
2. What exceptional or extraordinary circumstances or conditions apply to your property but do not apply generally to other properties in the same zone? There is an existing shed built 1.5 feet from property line that is dilapidated and an eyesore. The house is in a position that makes building a garage anywhere else on property not practical and/or not possible.
3. To what extent would the strict or literal interpretation and enforcement of the specified regulation deprive you of privileges enjoyed by the owners of other properties in the same vicinity and zone? I would be deprived of having a proper garage to park/store a vehicle off the road and out of site. I would also be deprived of the ability to improve my property.
5. To what extent would the granting of this adjustment be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity? Absolutely none. It would actually be beneficial.

## Kevin Caldwell

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**From:** Rad [kella694@gmail.com]  
**Sent:** Saturday, September 01, 2012 10:05 PM  
**To:** Kevin Caldwell  
**Subject:** Re: Variance Application

The plan that you drew up is actually the exact plan that I originally had. I thought it would work until I looked at it from a drivers perspective. The plan you have sent me is not practical for the following reasons: the opening to the garage would be 1.5 feet from the house (measured from foundation), there is a steel guard rail that is two feet from house to protect the gas meter, trim and water main stick out 3.5 inches from house ( turning 1.5 feet into 1.25 feet from garage opening), and I want to be able to pull a full size truck into the garage. All of these reasons make for a difficult entry and and especially difficult back-out from the garage on your plan. An average driver going in and out of the garage would cause hazard to the house and vehicle every single time. Furthermore my wife would like to have a little room for flowers next to the house without worry of them getting run over.

I feel very strongly that the garage that I have proposed with the variance is the best option. It would allow for pulling straight in and backing straight out of garage, eliminating the possibility of sideswiping the house or other structures.

Please consider the difficulties that would come with trying to back a full-sized truck out of the garage on your plan, and also consider the ease of parking in a garage that is straight in from driveway. You can write me back with your thoughts on this, and I will also try to contact you through telephone on Tuesday.

Thank You,  
Rad Kellar

=

## Kevin Caldwell

---

**From:** Rad [kella694@gmail.com]  
**Sent:** Wednesday, September 12, 2012 10:40 AM  
**To:** Kevin Caldwell  
**Subject:** Re: Variance Application

Kevin:

First I would like to thank you for keeping me updated on my variance application. It is nice to be kept in the loop.

I am not sure of exactly where others are suggesting I build my garage, so I would be able to get more specific with my reasoning if I had an example location. I will be giving reasons for not building in general area that is suggested I build in. Also, keep in mind that I am thinking of full-size vehicles driving into my garage. In my reasoning I will be using a vehicle that I own, a Ford F-350 long-bed.

Just to be able to fit through the ten feet of space on that side between the house and the fence without hitting/scraping either side, I would need to do a three-point turn and stop in the street to fold my mirrors in. This would not only be a hassle for the driver every time they park, but it would also cause a hazard and an obstruction to traffic on Columbus Street every time.

It is not possible to build a garage with proper setbacks on that side of the property that would allow for a vehicle to pull/back straight in and/or pull/back straight out. This would make a driver either have to do a weird, small three-point turn or an extended "S" turn, both in limited space. For an average driver, it would be difficult to do these maneuvers forwards and backwards in limited space, not to mention, a hassle every single time they park. It would also create a hazard to property, pets, and children on property.

Building a garage on the side being suggested would make it necessary to extend driveway and vehicle maneuvering area down the side of the house and into the back yard. Depending on the exact garage location suggested by others, the driveway and vehicle maneuvering area may take up anywhere from the whole side of and the 25 feet right behind my house to the entire back yard. That area is very valuable to my family and me. Putting a driveway and vehicle maneuvering area there would greatly or completely remove the lawn area for children, pets, recreation, gardening, etc.; and it would leave children, pets, handicapped, elderly, property, etc. exposed to hazard of vehicle traffic. There would be no room for any plans of future addition to home or a deck or patio. This would leave easy access to area of my back yard to cats and dogs from neighborhood and the problems they bring. Also, it would make it more difficult to contain my pets and small children to the back yard.

Building a garage on the side suggested by others you speak of would not help with fixing the dilapidated and eyesore existing shed; and it would still be sitting there 1.5 feet from property line.

Building a garage in this area being suggested is not practical. The most practical location is the place I have originally suggested, and am seeking the variance for.

Please consider my reasons and adamant belief that the location that I am wanting to build on and needing a variance for is absolutely the best possible and practical place on my property for my garage. Let me know you receive this letter; and any more questions, comments or concerns sent my way are appreciated.

Thank you,  
Rad Kellar=

**RESOLUTION NO. PC 058-2012**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL APPROVING  
THE KELLER VARIANCE:**

**WHEREAS** Rad Keller has submitted an application for a Variance to the required 5 foot side-yard setback to allow the reconstruction/replacement of an existing garage in the same location; and

**WHEREAS** The existing garage, which was likely built decades ago, is 1 ½ feet from the property line; and

**WHEREAS** the applicant has submitted evidence in support of making the required findings and

**WHEREAS** the City has reviewed the submitted application and evidence and has referred the project to various agencies for review, comments and recommendations; and

**WHEREAS** the reviewing agencies have recommended approval or conditional approval; and

**WHEREAS** staff has determined that the project is Statutorily Exempt pursuant to Sections 15302 and 15303 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations; and

**NOW, THEREFORE, BE IT RESOLVED** the City finds that based on evidence on file and presented in the staff report that the proposed variance complies with all of the following required findings:

- (1) The location, shape, size, surroundings, topography, or other condition, applicable to the subject property, represent special circumstances, and that strict application of this title would deny the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district;
- (2) The variance is necessary for the enjoyment and preservation of substantial property rights enjoyed by other property owners in the same vicinity and zoning district;
- (3) The variance is consistent with the General Plan
- (4) The variance is Categorically Exempt pursuant to Sections 15302 and 15303 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Rio Dell approves the project.

**APPROVED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of September 26, 2012 by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Karen Dunham, City Clerk

**Notice of Exemption****Appendix E**

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk

County of: Humboldt

825 Fifth Street

Eureka, CA. 95501

**From:** (Public Agency): City of Rio Dell

675 Wildwood Avenue

Rio Dell, CA. 95562

(Address)

Project Title: Keller Variance

Project Applicant: Rad Keller, 202 Columbus Street, Rio Dell, CA. 95562

Project Location - Specific:

202 Columbus Street

Project Location - City: Rio Dell

Project Location - County: Humboldt

Description of Nature, Purpose and Beneficiaries of Project:

The applicant has made application for Variance to the required 5 foot side-yard setback to allow the reconstruction/replacement of an existing garage in the same location.

Name of Public Agency Approving Project: City of Rio Dell

Name of Person or Agency Carrying Out Project: Kevin Caldwell, Community Development Director

Exempt Status: **(check one):**

☐ Ministerial (Sec. 21080(b)(1); 15268);

☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));

☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

☒ Categorical Exemption. State type and section number: Class 2 & 3, Section 15302 & 15303

☐ Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:

Section 15302 applies to the replacement or reconstruction of structures located on the same site in the same location. Section 15303 applies to the construction or conversion of small structures.

Lead Agency  
Contact Person: Kevin Caldwell

Area Code/Telephone/Extension: (707) 764-3532

**If filed by applicant:**

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_